



See
Second
Speech

" Defence
of the
West."

Gates, Richard

Speeches and governor's messages,
1851-1872

1852-73

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N e d e

des

Herrn. Richard Yates, von Illinois,

über

den Verein = Vorschlag,

Ludwig Kossuth zu bewillkommen.

Gehalten

im Hause der Repräsentanten, am 31. December 1851.

Im Hause der Repräsentanten der Vereinigten Staaten, als Committee des Ganzen über den Zustand der Union, war am 31. December 1851 folgender Verein-Vorschlag unter Beratung:

Beschlossen durch den Senat und das Haus der Repräsentanten der Vereinigten Staaten, im Congreß versammelt: daß der Congreß der Vereinigten Staaten, im Namen und zu Gunsten des Volkes der Vereinigten Staaten, Ludwig Kossuth herzlich im Lande willkommen heißt, und ihn einladet, die Hauptstadt zu besuchen; und daß eine Abschrift dieses Beschlusses ihm vom Präsidenten der Vereinigten Staaten zugesandt werde.

Herr Dean schlug vor, daß eine Committee ernannt werde, um Louis Kossuth in das Haus der Repräsentanten einzuführen.

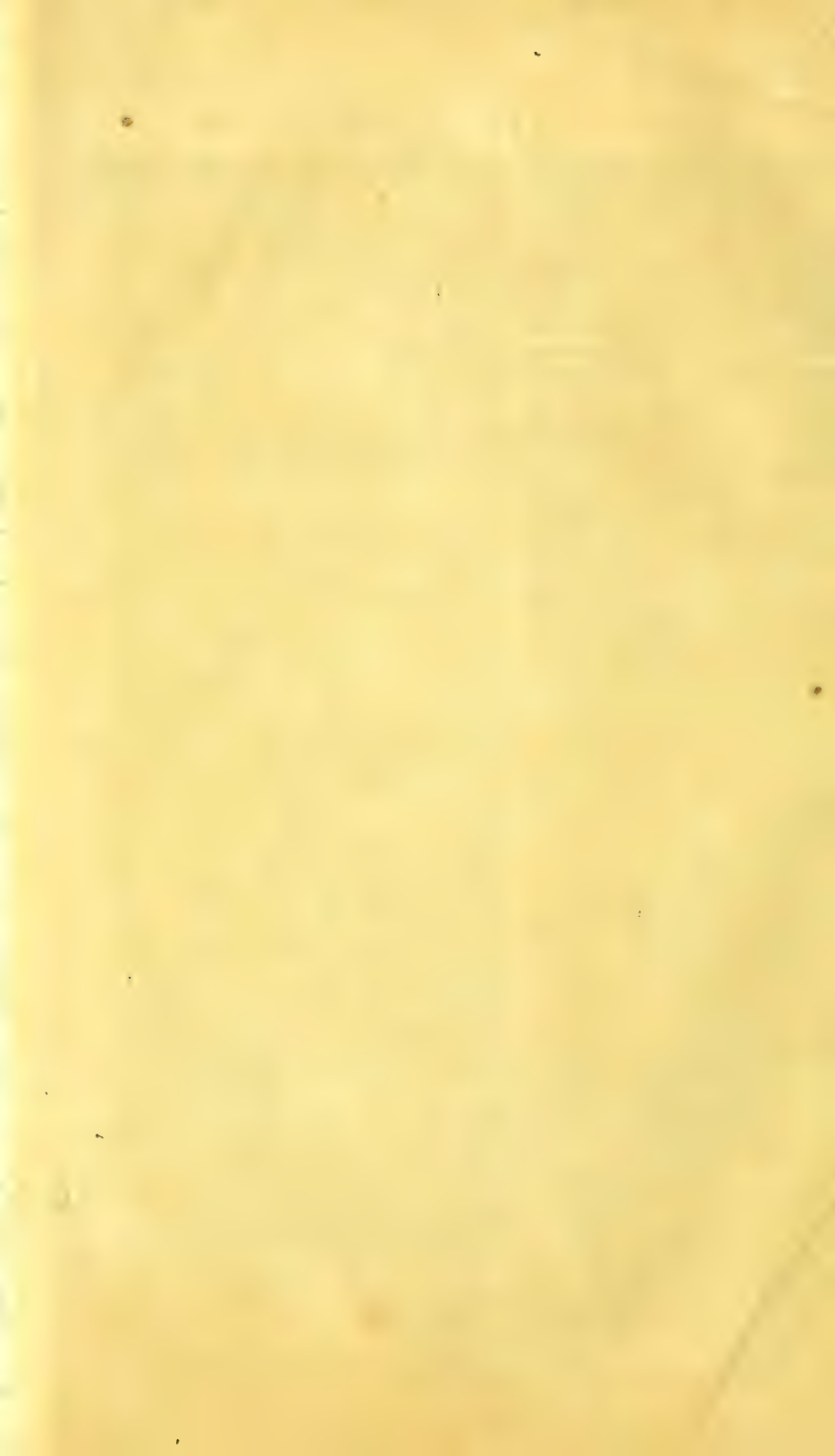
Herr Yates, (Whig) von Illinois. Ich schlage folgende Verbesserung vor:

Beschlossener: Und daß besagte Committee beauftragt sei, Ludwig Kossuth zu benachrichtigen, daß die Regierung der Vereinigten Staaten das Dazwischentreten Rußlands, oder irgend einer andern Macht, gegen Ungarn, in irgend einem Kampfe für Freiheit, den es in Zukunft gegen die despotische Gewalt Oesterreichs zu bestehen ha-

ben mag, nicht mit Gleichgültigkeit betrachten werde.

Herr Yates sagte:

Ich habe diese Verbesserung nur deshalb vorgeschlagen, um zu sagen, daß ich zu Gunsten des Original-Vorschlags bin. Es erstaunt mich, daß man das Haus nicht zu einer Abstimmung über jenen Vorschlag kommen lassen will. Der Vorschlag verpflichtet nicht das Haus für den Grundsatz von Intervention (Dazwischentreten.) Nein, Herr Vorsitz, weder durch Implication, noch durch Folgerung. Es ist nichts in demselben enthalten, das, einer ordentlichen und ehrlichen Auslegung gemäß, sich als eine Verpflichtung für jenen Grundsatz auslegen ließe. Die einzige Frage ist, ob wir jenem ausgezeichneten Verteidiger des Menschenrechtes ein herzliches Willkommen gewähren wollen. Der Vorschlag gibt der Committee, einzig und allein, den Auftrag, bei Ludwig Kossuth ihre Aufwartung zu machen und ihn in dieses Haus einzuführen. Wenn daher Repräsentanten Intervention als Einwand gegen diesen Beschluß vorbringen, so berücksichtigen sie nicht dessen Worte; es ist in demselben keine Behauptung aufgestellt; es ist eine bloße Höflichkeitsbeziehung, nichts mehr und nichts weniger. Ich möchte nicht auf unsinnige Weise diese Nation in die Angelegenheiten auswärtiger Nationen verwickeln. Ich sehe noch keinen



SPEECH

OF

HON. RICHARD YATES, OF ILLINOIS,

ON

THE LAND POLICY OF THE UNITED STATES, AND IN DEFENSE OF THE WEST.

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, APRIL 23, 1852.

WASHINGTON:

PRINTED AT THE CONGRESSIONAL GLOBE OFFICE.

1852.

LAND POLICY—DEFENSE OF THE WEST.

The House being in the Committee of the Whole on the bill "to encourage agriculture, manufactures, commerce, and other branches of industry, by granting to every man who is the head of a family, a homestead of one hundred and sixty acres of land out of the public domain, upon condition of occupancy and cultivation of the same, for the period herein specified"—

Mr. YATES said:

Mr. CHAIRMAN: I shall endeavor, in the few remarks which I shall make upon this occasion, to confine myself chiefly to the subject legitimately before the committee. The consideration of this bill very properly invites discussion, as to the whole land policy of the Government. Whether the present policy as to the public lands is to be continued, or whether Congress shall adopt a new policy, are questions which are now occupying a large share of the attention of Congress, and of the country. In the attempt to present my views upon this question, I am aware that nothing short of the presidential question seems to awaken the interest of the committee, and I almost shrink from the effort to arrest its attention, by remarks upon the appropriate business and practical questions which it is our duty, as legislators, to investigate.

The constitutional power of Congress to make grants of lands to actual settlers, or to the States, for the construction of railroads, has been denied by most of the gentlemen who have addressed the committee against these propositions. I do not propose to discuss the question of constitutional power at length. If a question can be settled by precedent, then I think that the right of Congress to make these grants may be considered a settled question. When the propriety of such grants first came before Congress, the question of constitutional power underwent a thorough discussion. The greatest minds in the country were pitted against each other, and I believe the power to make the grants was finally conceded by nearly all. Most certainly, it has been repeatedly exercised without being called in question. Grants for purposes of education, to asylums, to actual settlers, and for the promotion of internal improvements, have been made at sundry times, beginning with the administration of Washington, down to the present day. When we have the opinions of such men as Mr. Clay and Mr. Webster, General Cass and Mr. Douglas, and nearly all the leading men of both parties, and especially the opinions of the strict constructionists of the Constitution, including Mr. Calhoun, who was ever jealous of the exercise of any doubtful constitutional power; I say when we have such an array of authority in

favor of this constitutional power, added to the uniform practice of the Government, and enforced by the legislation of almost every Congress, it would seem that this might well be considered a settled question. I do not say that precedent is everything, but I do say that the opinions of our profoundest statesmen and lawgivers, expressed after mature deliberation, are entitled to high consideration.

The arguments against the exercise of this power, relied upon by gentlemen who have addressed the committee, are presented in their strongest light in the National Intelligencer of this morning, and I will call the attention of the committee to the two strong points taken in that paper, and which I do not consider well taken. That paper says:

"The property of 'the people of the United States,' whether it is money in the Treasury or the public lands, cannot be rightfully used by those who govern our affairs, unless it is done 'in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.'"

Now, if it can be shown that the passage of this bill will accomplish any of these objects, then the "public lands may be rightfully used for these grants to the objects indicated." Now I submit to this committee the question, Is it not for the "GENERAL WELFARE" to promote the settlement of the public lands? Is it not for the general welfare to establish an independent yeomanry upon our broad and beautiful public domain of one thousand four hundred million acres of land? Is it not for the GENERAL WELFARE that we encourage the agricultural productions of the country and improve the condition of our industrious poor? Is it not for the GENERAL WELFARE to discourage speculation in the public lands, to fell the forest, to make "the wilderness bloom and blossom as the rose," and to cover that mighty area of territory extending from the Ohio river to the Pacific ocean, with a population of independent freeholders, and to withdraw population from the temptations and vices of crowded cities to the purer atmosphere of rural life.

The same paper says:

"A title by 'actual settlement' is absurd, unless legal policy may thus encourage hardy pioneers to enter the forest and plant the footsteps of civilization in its dark recesses. With this view, however, what are called 'pre-emptions' may be justly favored and protected."

The constitutionality of granting pre-emptions is not denied by any. The consideration upon which

they are granted is to encourage settlement. Is it not the same "*legal policy*" to encourage that settlement by making grants to the actual settler? Under the preemption system, the settler often has the privilege of buying, to the exclusion of all others, land at \$1 25 per acre worth ten times that sum. He can enter upon the public lands as soon as they are surveyed, and before they are offered at public sale, and purchase the same at the Government price, though at the sale others might be ready and willing to pay five times that sum. If the Government may thus surrender its rights to promote settlement, may it not, for the same object, grant lands worth \$1 25 per acre, or less, to the actual settler? The principle is the same in both cases. It is the same in grants of bounty lands to the soldier, and when the "*legal policy*" is admitted in the one case, it cannot be denied in the other.

I call the attention of gentlemen to that article of the Constitution which provides that "Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property of the United States." "It shall have the power to *dispose of*"—here is an unlimited power. It is not derived by construction or implication—it is an EXPRESS power. The manner of this disposition, and the objects of the appropriation, are of course to be left to the discretion of Congress.

Mr. Chairman, it is amusing to see how certain gentlemen can find authority to make appropriations to some objects, and at the same time deny any power to make appropriations for other objects of precisely the same character. The gentleman from New York, [MR. JENKINS,] in his speech, maintained that our rivers were very properly the objects of national concern, and that appropriations for their improvement were legitimately within the power of Congress, but stoutly denied that Congress had any power to make grants of either money or lands for the construction of railroads. *These*, he says, are the objects of State concern exclusively. Now, here is a "distinction without a difference." The only difference is, that the one is water, the other iron. The object of both is to facilitate intercourse between the different portions of the Confederacy. Certainly communication by means of railroads is more direct; it is cheaper, safer, and speedier. All the operations of commerce, and all the objects of such a grant, can be as well or better carried out by the construction of railroads than by the improvement of rivers, and therefore I can see no objection to grants of lands to the State to aid in their construction.

EXTENT OF PUBLIC DOMAIN.

There are several specific propositions before Congress—the bill now pending, granting lands to actual settlers; the bill granting 10,000,000 of acres to the States to be applied to the relief of the indigent insane; and various bills granting alternate sections of the public lands for the construction of railroads. I am in favor of the principle contained in all these propositions. I speak not of the details of these bills. If wrong in detail, when the time arrives for their consideration they can be amended to obviate objections. I am surprised that some of the advocates for grants to actual settlers, and for the relief of the insane,

seem to regard railroad grants as coming in conflict with them. Why, sir, nothing can be further from the fact. There is no conflict. There are enough lands for all. They cannot and will not be exhausted for a thousand years to come. The following table will show the quantity of public lands, sold and unsold, the proceeds of sales, and the grants and reservations of the same for all purposes, up to the 30th September, 1851:

Sold	101,633,930 acres.
Grants for schools, &c.....	40,558,978 "
For Deaf and Dumb Asylums.....	44,971 "
For internal improvements.....	11,500,395 "
To individuals and companies.....	279,792 "
For seats of government, &c.....	50,860 "
For military services.....	16,019,065 "
Reserved for salaries.....	422,325 "
Reserved for benefit of Indians.....	3,400,725 "
Reserved for companies, corporations, &c.....	8,955,383 "
Confirmed private claims.....	7,123,903 "
Swamp lands granted to the States.....	27,397,250 "
Central railroad grant.....	3,025,920 "

Total of acres unsold and unappropriated, of offered and unoffered lands on the 30th September, 1851, 1,399,586,140.53 acres.

It appears from this table, that in a period of seventy years only 101,633,930 of acres have been sold, and that the Government still has on hand a mighty domain of over thirteen hundred millions of acres. Is here not an ample fund for all the purposes of education, for the relief of the insane, for homes to the actual settler, and for the purposes of internal improvement?

GRANTS FOR RELIEF OF INSANE.

Mr. Chairman, much as I desire to see portions of the public lands appropriated to internal improvements, yet this is not the chief measure with me. In my humble estimation, the first and most desirable application of the public domain, is to make ample provision for the insane, the deaf and dumb, and the blind. The Government could not make a more useful application of a portion of the public domain, than by assisting each State and Territory to endow an institution for each of these objects. The census of 1840, in a total population of 17,069,453 persons in the United States, exhibited an insane population of 17,457; and the census of 1850 in a total population of 23,267,498, gave an insane population of 27,000. The increase of the victims of insanity, is in a ratio far greater than the increase of the whole population. But, sir, the results of proper medical treatment in institutions established for this purpose have been most gratifying. Thousands who were considered hopelessly insane have been restored to reason, and there is every reason to believe that the frightful increase of this dread malady may be in a great measure stayed, if proper relief is afforded.

The grants in favor of these objects, should be munificent, and such as, with the aid of the States, would place these institutions beyond the contingency of want. These grants are not contended for on the ground maintained by certain political economists of France, that it is the duty of the Government to furnish direct subsistence to the people, and which has led her impulsive population to clamor for Government aid, instead of relying upon the surer rewards of honest industry and persevering labor. It is upon the higher principle of duty to the children of misfortune, who, by the inscrutable decrees of an overruling Provi-

dence, are deprived of the ability to procure means of support or education. There comes to us, sir, an appeal from these unfortunate classes of our population addressing itself to the kindest sympathies, the noblest impulses of the heart, as well as to the highest considerations of patriotism. Yes, sir, from the dethroned intellects of the twenty-seven thousand maniacs in the land, the stopped ears of the deaf and dumb, from the sightless eyeballs of the blind, closed forever to the beautiful frame-work of art and nature, by which we are surrounded, comes this appeal.

No longer needing the public lands as a source of revenue, some statesmen of great eminence have regarded their possession as a curse, rather than a blessing. But this depends upon the uses to which they are applied. If our public domain is discreetly applied, it will be an exhaustless fountain of blessedness to the people. And, if Congress will look at it aright, and will grant to the States a sufficient quantity of these lands to endow these institutions, and to place the means of relief within the reach of these sad children of misfortune, it will have accomplished one of the noblest and most sacred objects in the sight of God or man. Much is said about progress, but this is a sort of progress which will prove uncontestedly the christian enlightenment of the age, and bind new and bright glories around the brow of the Republic. It may be a weakness in this business age of finance, steam, and railroads, a *sickly sentimentality* perhaps; yet I confess that for appropriations for these sacred objects is my first desire, and I would rather see all the projects for grants of the public lands fail than these. I would have each State, by the aid of these lands, erect a magnificent edifice, with comfortable and spacious apartments, adorned with the decorations of art and every pleasing embellishment; surrounded by large inclosures of forest tree, beautiful shrub, and blooming flower. So that if your wife, or daughter, or mine, should ever fall victims to insanity, (and it is a calamity to which all are liable,) instead of being confined within narrow apartments and prison-houses, she may walk forth in the light of God's glorious sun, breathe Heaven's pure air, and, if her fancy choose, pluck a flower by the wayside.

Sir, that page of history which shall record, that the American Congress, in the year 1852, made ample provision for these sacred objects, will be an *immortal* page. And when noble edifices for these objects are erected, and these institutions are firmly established, they will redound to the lasting honor of the Congress which made the appropriation, and will be pointed to by our children and children's children from generation to generation, as the proudest monuments of the glory of the nation.

I cannot here forbear to refer to the fact, that the State of Illinois, in addition to her tax for the support of the Government, and in addition to her separate tax for the payment of the public debt, with a spirit worthy of her people, imposed a separate tax for the relief of her insane and the education of her blind and deaf and dumb. And perhaps three nobler edifices are not to be found in any State than those which she has erected—the pride of every citizen, the admiration of every stranger, and the glory and delight of every patriot and Christian. Sir, what must be the pleasure with which every citizen of Indiana and Illinois

reads the following tribute from Miss Dix, the great philanthropist of the age, and the illustrious benefactress of her race. She says:

"Look at Indiana—noble, clear sighted Indiana. She adopted a wise and noble policy, equally prudent and humane, and levied a special tax for the insane, for the deaf mutes and the blind within her borders, at a cost of more than \$200,000." "There, in that young State, almost within the shadow of her capitol, stand these monuments of a Christian and enlightened age, recording a forethought and munificence which, under the circumstances, has no parallel; though Illinois, ranging side by side geographically, almost completes a corresponding page in her history."

The above extract is taken from her memorial to the Legislature of Maryland. And, in justice to my State, I may say that the expenses already incurred by the State of Illinois for these objects exceed considerably the sum of \$200,000. Now, sir, when it is considered that both these States, and many others, are embarrassed by heavy debts, and that all the States are taxed to the utmost of the ability of the people to bear, it will be seen that this aid from the public lands would be most timely and appropriate, and of the greatest importance.

GRANTS TO ACTUAL SETTLERS.

Mr. Chairman, I shall not go into the discussion at length of the bill under consideration. I have for many years entertained opinions favorable to grants of the public lands in limited quantities to actual settlers. But I humbly conceive that those advocates of this bill, who oppose grants for railroads are much in error; for it is only by opening roads through the public lands, and making them accessible to market, that they are to be made *desirable homes* for the actual settler.

A better illustration of the effects of the present land system could not be given than the declaration which has been made by the gentleman from New York [Mr. SUTHERLAND] to this committee. He says that he knows, at his boarding-house, four individuals, who own 50,000 acres, each, of the public lands. I would ask that gentleman, if that system is to be considered beneficial, which tolerates the withholding of these lands from settlement and occupation in the hands of wealthy speculators, to the exclusion and injury of the poor and industrious citizens? Would it not be better to have these lands in cultivation, divided into small farms, and occupied by our industrious poor families, than for them to remain unimproved, and absorbed entirely by speculators? Is that a just system which permits the wealthy speculator, who makes no improvements, to hold on to these lands until the actual settler, by the improvement of adjacent lands, has made them valuable, and then to charge him five times the Government price for them?

The only plausible objection to the policy of these grants to actual settlers, which at first struck me, but which, I believe, has not been advanced here, was, that the effect would be to depreciate the lands in the hands of present proprietors. But the reverse, I believe, will be the effect. The class of persons, who would go on a quarter section and occupy and cultivate it for five years to get a title thereto, would be in the main poor persons, and unable to buy of present proprietors. I doubt, sir, whether it would make a single purchaser less. The bounty land laws, which have absorbed 16,019,065 acres, have not had the effect to reduce

the prices of lands already occupied and improved. The effect, I think, would be to increase prices to present owners, by bringing into settlement and improvement the public lands which would otherwise remain in market for sale, and which now come into competition with the lands of present owners. The prices of lands in the hands of present owners, are unquestionably kept down by the large quantity of the public lands which are subject to sale at \$1.25 per acre—purchasers being unwilling to pay from five to twenty dollars per acre for improved lands, when they can get them at the Government price.

The new States have a deep and vital interest in the passage of this bill. They want settlement. They want these lands to pass out of the hands of the Government into the hands of individuals, so as to make them taxable, and contribute their share to the support of the State governments. The passage of this bill would increase greatly the immigration to the land States, insure the settlement and improvement of the vacant lands, and augment the capital of the new States, which they so much need to enable them to engage in manufacturing, the construction of roads, and other important public enterprises.

The General Government would lose nothing—the settlement and improvement of portions of the public lands would increase the value of the contiguous lands remaining unoccupied, and would add vastly to the aggregate of agricultural production and national prosperity.

But, sir, the highest consideration is the effect which it would have to raise to independence, and to elevate a large portion of our fellow-citizens who gain a hard, scanty, and uncertain subsistence from the earnings of daily labor, or who, in the dependent relation of tenants, pay one third or one half of the proceeds of their labor to the owners of the soil.

I cannot forbear to quote, in favor of the passage of this bill, the very extract which the gentleman from New York [Mr. JENKINS] has quoted against it:

“DESTITUTION IN PHILADELPHIA.—The Philadelphia American gives an account of a visit made a few days ago to the hovels of many of the poor and destitute thirtiety, who live in small unventilated rooms, for which they are compelled to pay ten cents rent each day. It is supposed the number of these unfortunate beings is about five thousand. Many of them were found with their hands and feet frozen for want of fuel to keep them warm, while others had even disposed of most of their scanty clothing to buy bread. In one cellar a family were found who had been turned out of home because they were unable to pay their rent. In another place, a poor, infirm woman and several children were found in a shed, the children covered up in a heap of ashes to keep them warm. Having no clothing whatever to cover them, the mother had been driven to this resort to keep them from freezing. The clothes had been sold to buy bread.”

Now, sir, the gentleman is most unfortunate in making this quotation. If he had labored for months, he could not have presented a more forcible argument in favor of the bill. Pass this bill, and a strong inducement will be presented to every one who is destitute of the means of support, and who has industry, to fly to the public lands; and instead of five thousand persons in unventilated rooms, and in a state of destitution, in the city of Philadelphia, we will, in a few years, have as many independent landholders in the Western States in the full enjoyment of all the blessings of life.

Representatives from the West will bear me out

in the assertion I am about to make. There are thousands of tenants in the Western country with large families, who are unable to make a dollar over and above the amount required for the support of themselves and families, after paying to the owners of the soil one third of the proceeds of their annual labor. How much ameliorated would their condition be, if they had their own soil to cultivate—homes of their own, and the exclusive enjoyment of the hard earnings of their daily labor? Secure to the industrious poor man a home of one hundred and sixty acres of rich and productive land, and you attach him to the country. You give him a new and certain interest in the soil. He is then a freeholder, a proprietor of his own broad acres. His interest is identified with the Government and society. He pays taxes; he takes an interest in schools and churches, roads and bridges, and in the voice of the ballot-box. He feels like a man, and he is then, in the full sense of that proud appellation, *an American citizen*. For these, and numerous other considerations, I hope this Congress will decide, that out of the 1,400,000,000 unsold acres of the public domain, every family, every poor and homeless American citizen, may find *a home*—a home, sir, which he can call his own—his castle of strength, where, secure beneath his humble roof and around his own fire-side, “he can worship God beneath his own vine and fig tree, none daring to molest or make him afraid.”

GRANTS OF LANDS TO ILLINOIS.

Much has been said in the progress of this debate about the grants to Illinois. While the twelve land States are denounced by the gentleman from New York as playing a “grab game in the struggle to see which could get the largest share,” and are denounced as *land stealers*, Illinois unfortunately is looked upon as, par excellence, the *biggest land thief of all*. Her good fortune in securing liberal grants, has caused her to be regarded with a sort of *maliciousness*, which she in nowise merits, and which are by no means justified by the facts of the case. What was the principle upon which Congress appropriated alternate sections of the public lands to aid her in the construction of her Illinois and Michigan Canal and the Central Railroad? Did the United States make them without an equivalent? Did Illinois claim them as a charity, or for her exclusive benefit? No, sir; very far from it. The grants were made upon higher considerations than mere benefit to Illinois—considerations of the general welfare and national prosperity. The State occupied the relation of trustee or agent to the General Government to appropriate the lands to the construction of works of acknowledged national importance, and in such a way as to present inducements for the sale and occupancy of her other wild lands which had never before existed. These works were essential links in a great national highway extending from the ocean to the gulf, and affecting in a high degree the interests of one half the States of the American Union. Take the map of the United States and look at it. From Portland, in Maine, from New York and all the Eastern cities, by various routes to Lake Erie, across that lake to Detroit, thence to New Buffalo, thence across Lake Michigan to Chicago, thence by the canal and Illinois river, or Central Railroad, to Cairo, and through the States of Kentucky,

Tennessee, Mississippi, and Alabama to Mobile, a distance of one thousand eight hundred miles! Why, sir, the world in all its past history has not seen such a route. Here, sir, is the greatest highway of ancient or modern times. The Roman ways were the pride of the people in the days of Roman power; but they dwindle into insignificance compared with this mighty track of the iron horse. It was not for Illinois alone, but for the nation that these grants were made. The State of Illinois was the mere crossing-place for the States of the Union.

But what has the Government lost by her grants of land to Illinois? The lands along the line of the Central Railroad had been in market exposed to sale at the land offices for twenty-five years, and on account of their remoteness from market and destitution of timber were likely to remain unsold for half a century more. They came under the denomination of *refuse* lands, and belonged to that class which at a former session of Congress were proposed to be ceded to the States in which they were situated, to enable the Government to dispense with the expensive machinery of land offices and other expenses, which cost the Government more than the revenue derived from their sale. Sir, it would not take long to convince any gentleman on this floor, who would go along the route of the Central Railroad, that the Government, as a great landholder, had adopted the most effectual means of imparting value to her lands and bringing them into market, and that, while doing this directly, she had *indirectly* given an impulse to trade, a stimulus to production, and opened new fields to enterprise, affecting in no small degree a large portion of the Union. It is a fact, that a large number of the citizens of southern Illinois have for many years occupied and improved portions of the public lands, without procuring any title from the Government, and without the fear of having their possessions disturbed. These lands being in sparsely-settled sections, and inaccessibly situated, were a hard bargain even to the settler, and failed to excite the cupidity of the speculator. But now that this road has been projected, they are becoming anxious about their titles, are asserting their preëmptions, and thousands are anxiously waiting, with their hard dollars, or warrants laid by, to take up the reserved lands within the thirty-mile strip reserved from sale the moment they are brought into market. And yet not a spade of earth has been removed on the road; but these lands will now, in bare expectancy of its completion, readily yield the \$2 50 per acre, and thus realize to the Government every dollar she asked for the whole at a period much earlier than she could have realized the same without the grant. If the gentleman from Maine [Mr. FULLER] is right, they are, or soon will be, worth \$10 per acre. What, then, has the Government lost?

THE ILLINOIS AND MICHIGAN CANAL.

The gentleman from New York [Mr. JENKINS] has asserted, (I know not upon what authority,) that the grant of alternate sections of lands to the State of Illinois, to aid in the construction of her canal, has resulted in great injury to that State. It is easy to show that the construction of this great work has had an immense effect in promoting the settlement of the public lands and the

prosperity of the State of Illinois. To show its influence upon the commerce and prosperity of northern Illinois, it is only necessary to call the attention of the committee to some of the statistics of the commerce and growth of the city of Chicago, situated at its terminus on Lake Michigan. In the year 1847, before the completion of the canal, the imports and exports of the city were only \$4,500,000; while in the year 1848, the first year after its completion, they amounted to \$20,000,000. The shipments of corn from the port of Chicago in the year 1847, were 67,305 bushels; in 1848, 550,460 bushels; and in 1851, 3,221,137 bushels; and of this amount, 2,235,362 bushels were received into Chicago by way of the canal. The lumber trade of the city doubled in a single year after the completion of the canal. So immense is this trade, that considerably over 100,000 tons of lumber are annually transported on the canal, and down the Illinois river into the interior of the State—the evidences of which, as remarked by the Chicago Tribune, may be seen in the transformation of the rude log-cabin to the elegant mansion, and in the erection of commodious church edifices and comfortable school-houses, and in a great variety of valuable and extensive improvements.

General Cass said in the Senate Chamber in 1848, "It is now twenty-five years ago that I sat 'all night in a canoe at the head of a pond at 'Chicago, there being no human habitation in 'which we could obtain shelter from the mouth of 'the Illinois to the mouth of the Chicago river.'" And yet, sir, Chicago is now an important city—the second city of the lakes. Look at its wonderful growth. Its population in the year 1840 was 4,479; in 1848, 20,023; and now, in 1852, it is 40,000. And hence, sir, her destiny is onward to her proud elevation as empress of the lakes, the great commercial emporium into whose commission houses shall pour one third of the commerce of the Union—a mighty city, rivaling ancient Carthage in her pride of power. And since the period referred to by General Cass, the country stretching from the mouth of the Chicago to the mouth of the Illinois river—a distance of four hundred miles—has made rapid advancement, and has now a better foundation for solid and durable prosperity than any portion of the American Union of equal extent.

In the year 1831, I first ascended the Illinois river. The whole commerce of the river was then carried on by some four or five old steam-boats, which being unsafe for the dangerous navigation of the Mississippi river, were transferred to this river, whose current is gentle, and in good stages of water perhaps the best navigable stream in the world. But now, sir, from fifteen to twenty-five medium-sized steamers ply weekly between St. Louis and LaSalle, the western terminus of the canal, a distance of three hundred and twenty miles, laden with ponderous cargoes of merchandise, produce, and lumber, and thronged with thousands of travelers in pursuit of business or pleasure on their routes South, by way of the Mississippi, or to the new States and Territories of the Northwest by way of Galena, or by way of the Northern lakes and railway routes to the Eastern cities.

ILLINOIS RIVER.

It will surprise many to learn, that since the con-

struction of the canal, the transportation and travel on the Illinois river is greater than that on either the upper Mississippi or Missouri rivers. In the year 1851, there was imported into the city of St. Louis from the Illinois river 385,267 bushels more of wheat than from the Missouri river, and 215,277 bushels more than from the upper Mississippi. The difference in the article of corn is still greater. In the year 1850, there were seven hundred and eighty-eight arrivals of steamboats at the city of St. Louis from the Illinois river, and in 1851, six hundred and thirty-four; and in the two years, the arrivals from the Illinois river were one hundred and forty-eight more than from the Missouri, seven hundred and thirty-one more than from the upper Mississippi, four hundred and seventy-two more than from the Ohio, and six hundred and ninety-two more than from New Orleans. And, moreover, one half of the tonnage on the Illinois river finds its outlet north by way of Chicago, instead of south by way of St. Louis. Of the three million bushels of corn transported on the river, two millions seek its Eastern market by way of the canal and the lakes. An estimate furnished me by Captain A. B. Dewit, one of the oldest and most experienced navigators of that stream, shows that about 1,160,000 tons of produce, 820,000 tons of merchandise, and three hundred tons of lumber and salt are annually transported on this river by means of steamboats and canal boats.

While on this subject, it may be proper for me to remark, that from three to five months in the year the navigation of this river is obstructed by bars and flats, producing great delay, expense, and losses, preventing access to market, and affecting vast and important interests connected with the commerce of the river. There are twenty-eight bars or flats between LaSalle and the mouth of the river, composed, some of them of sand, and others of mud, which could be easily removed by dredging, at an expense most inconsiderable when compared with expenses incurred for removing obstructions in harbors for the benefit of foreign commerce; and when we consider that this stream is a very important link in the chain of national intercommunication which extends from the Atlantic to New Orleans and Mobile, on the Gulf of Mexico, it is of the highest national importance that these obstructions should be removed. Congress, by special enactment, once declared this stream a national highway; and it is as much entitled to the claim of nationality as the Mississippi itself; for it is, for the purposes of commerce, a direct extension of that very river, to meet the mighty northern thoroughfare extending by railway and the lakes, to the Atlantic ocean.

But, sir, the traveler along the canal not only sees a new and flourishing commerce, but he sees another object dearer to the patriot's heart. He sees every canal boat and steamer thronged with travelers, citizens from every portion of our common country. Here he finds the Western man, the Southern man, and, of course, "Brother Jonathan," expressing their astonishment at the magic and wonderful growth of that Western world of ours, discussing stocks, finance, railroads, trade, agriculture, corn, cotton, and *codfish*; the compromise, secession, slavery, and, what is better, learning from each other that there is no good reason for the local animosities which have heretofore existed and exhibited themselves in alarming as-

pects, threatening to jar the pillars of the Union and which, happily, the contact and collisions of modern commerce and business intercourse are fast wearing away.

Mr. Chairman, I feel like complimenting the honorable gentleman from South Carolina [Mr. Orr] for his lucid and eloquent speech in behalf of the Missouri roads; and it is not for his eloquence alone I thank him, but for his magnanimity. That gentleman well knew that these roads did not point to the South, but to the East; and that, while the South would enjoy no direct benefit from their construction, they would pour the rich treasures of a new and valuable commerce into the commission houses of the Eastern cities. Yet, sir, he did not pursue the illiberal policy of opposing grants for these roads, because calculated to benefit the East more directly than the South. I will say to that honorable gentleman, I trust the day is not far distant when, by means of the Illinois and Alabama road, we can supply the South with the productions of our Western farms, and receive in exchange the rice, cotton, and sugar of the South; when the citizen of the South, flying from the heat of a Southern sun, shall find a pleasant summer's retreat in our beautiful groves and prairies of the West; and I tell that gentleman, if the halcyon day predicted by my friend from Missouri [Mr. Miller] shall ever come, when the young men of the South shall intermarry with our beautiful daughters of the prairie, it will not be long till all their notions of secession and disunion will be blown sky high. A union of the descendants of Sumter and Marion with those of Boone and the Western pioneer, would be a union indeed, and, I think, would be "preserved for the sake of the Union."

GRANTS FOR RAILROADS.

Mr. Chairman, I do insist we have a right to complain of the old States, because they refuse to help us when they can do so without injuring themselves. We propose to give them all they ask for the lands. If we build the roads, the Government gets \$2 50 per acre for the reserved alternate sections, which is all it asks for the whole. If we do not build the roads, we get none of the lands—they revert to the Government.

The argument is, that the lands belong to all the States—that they are a common fund. I admit it. We do not propose to diminish the common fund. Then is it not illiberal in the Representatives of the old States to withhold from us a positive benefit when they lose nothing? The public lands, you say, are common property. Let us see what there is in this argument. Suppose that a custom-house was needed in New York, or that some obstruction in the harbor of that city required to be removed, and the gentleman from New York should bring forward a bill appropriating money out of the Treasury, and I should say to him, "Sir, you must not take the money in the Treasury; it is common property, and belongs to the people of all the States, and you must not appropriate it to these objects, unless in the same act of appropriation you give to the State of Illinois an equal amount for some object she may have in view." Why, if we can make no appropriations unless they confer equal benefit on all the States, then we can make none at all. The argument that, being common property, the public lands cannot, therefore, be appropriated to great objects of pub-

lic utility, because they happen to lie in a particular section, is an argument which, in the present case, may pander to the cupidity of the Representatives of the old States, and to their jealousy of the West; but it is not very creditable to the schools and colleges in which they were taught the principles of logic.

There are paramount reasons why the Government should make these grants. First, as a great landholder; the Government, in the management of its property, ought to exercise, as far as is practicable, the same prudence and foresight which an individual under similar circumstances would. An individual owning large tracts of forest or prairie land, remote from settlement and market, and valueless, would readily sell, or even give away, a portion of said lands, to increase the value of the residue; and especially, if by so doing he could make that residue yield in a short time more than the whole would in its unimproved condition.

Second, as a measure of economy, to hasten the sales of the public lands, and thus at the earliest period enable the Government to dispense with the expensive machinery of land offices and other disbursements incurred in the sale of said lands.

The sale of the public lands cannot be more effectively promoted than by opening roads through them. Take the route from Burlington to Lafayette, or from Springfield to Terre Haute, portions of which run through large bodies of the public lands—prairies extensive and untenanted, and distant from market—lands not worth Government price. Suppose that by an Almighty fiat, a river straight as an arrow, unobstructed by snags or bars, and navigable for steamers of the largest class at all seasons of the year, should be run through those beautiful and productive lands: how long would it be before the Government would sell every acre within a day's travel of that stream? How long before commerce would flap her thousand sails upon that river? How long before its shores would resound with the roar of steam and the rattle of machinery? How long before its banks would teem with smiling villages, and its broad acres bend beneath fields of waving green, and the ripened harvest? Well, sir, the railroad will produce the same results; yea, for all the purposes of commerce, speed, and safety, the railroad surpasses the river.

CLAIMS OF THE WEST.

The gentleman from New York [MR. BENNETT] in his speech says:

"In truth, it is a kind of a grab game, where each of the new States gets all it can—the most selfish and clamorous taking the largest share—while more than half of the States, and two thirds of the population, are mere spectators to the skill and rapacity which the twelve land States display in taking the public lands."

Rapacity!—This is a term applied to barbarians and robbers. Sir, this comes well from the modest State of New York. If there is anything that ever will keep that State in the back ground, it is her wonderful modesty. She never asks for anything. She never gets anything. She is languishing to death for want of some appropriations out of the Federal Treasury. Now, sir, to be serious, I do not complain of New York. I do not complain of what she has got. As a citizen of this nation, I am proud of the Empire State. I glory in her prosperity, in the Napoleon-like energies of her people,

and in that daring enterprise of her merchants and tradesmen which has sent our flag into every port, and planted the feet of our sailors on every island of the sea; and I hope, sir, that the liberal hand of the Government will ever be extended to her in promoting our commerce with foreign nations; but, sir, as a Western man, I hurl back the charge of rapacity made against us for asking grants of worthless wild lands to enable us to get to her markets, and to swell the sails of her commerce.

Mr. Chairman, much consideration is due to the new States. The old States came into the Union proprietors of all the public lands within their limits. Upon the separation of the Colonies from the mother country, they succeeded to the right of eminent domain, which, up to that time, had existed in the Crown. They have received the proceeds of these lands into their State treasuries, and they have been disbursed for the benefit of their citizens. But not so with the new States. In most of them the General Government is, to this day, the proprietor of the larger portion of the lands within their limits. These States, before their admission into the Union, were required to subscribe to the conditions contained in the ordinance of 1787—"never to interfere with the primary disposal of the soil;" and "to impose no tax on land the property of the United States;" and in the acts of their admission into the Union as States, they were required to subscribe to another condition—"that every tract of land sold by the United States, after the day of their admission, should remain exempt from any tax for State, county, township, or any purpose whatever, for the term of five years from and after the day of sale." The first condition is still in force, and the latter remained in force until January, 1847, when Congress passed an act authorizing the States admitted into the Union prior to the 24th day of April, 1820, to tax the lands from the day of sale. It is true, the United States gave the sixteenth section; a township for a seminary of learning; the saline lands, and two fifths of the five per cent. of the proceeds of the public lands to the State of Illinois in exchange for this immunity from taxation. But it is very easy to show that the State has lost several millions of dollars more by this surrender of her sovereign right to tax the lands than all she has obtained from the concessions of the Government in consideration for this immunity.

But, again: there is an equitable claim which entitles the new States to some consideration. The citizens of the new States have reclaimed the public lands from the wilderness, and given them all the value they possess. The actual settler, by his labor and cultivation of the one hundred and sixty acres he buys from the Government, gives value to and brings into market the adjacent lands. Every furrow made by his plow, every road he opens, every bridge he builds, and every house he erects, adds value to the adjacent Government lands; and in Illinois, and in most of the new States, the system of taxation being on the *ad valorem* principle, the more he improves his lands the higher are his taxes; but the General Government being the largest proprietor, derives the full benefit of these accessions of value, but pays no taxes.

The reclamation of that vast territory west of

the Alleghanies from the savage and the solitude of the wilderness, is a high compliment to the adventurous spirit of the pioneer, whose dauntless courage has impelled him to encounter all the vicissitudes of a frontier life, and to lay broad and deep the foundation of great commonwealths in these wild forests and untenanted prairies. The settlement of the West is the grandest achievement of the age. An half century discloses a magnificent empire, and the establishment of the institutions of law, religion, and liberty on that territory which, at the beginning of the Government, had been consigned by prophecy as the perpetual domain of the savage.

And what has the Government done? It is true, she has negotiated treaties with the Indians, but by her *Indian* policy she has hedged up the path of the pioneer from the frontiers of Virginia at each successive advance to the Rocky mountains by walls of wild Indians, who stand ready on the border-line with the implements of death to massacre him, his wife, and children. By her *land policy* she has wrung from the hard earnings of the pioneer \$1 25 per acre for redeeming her territory from savage occupation, and making farms for her in the wilderness—that \$1 25 to be drawn into the abyss of the Treasury, to be expended anywhere else than in the region of its acquisition. The poor immigrant—the actual settler has followed, with his axe in one hand and his gun in the other, close on to the receding council-fire of the Indian, leaving behind him all the conveniences of society—destitute of schools and churches—dwelling in rude log cabins, and exposed to every conceivable danger and privation. He has made your lands valuable, and paid you \$1 25 per acre for them, which, instead of finding its way into the State Treasury to be disbursed among these settlers, has gone into the United States Treasury, to be expended for the benefit of foreign commerce. All your boasted liberality—all your “I would be generous to the new States,” amounts to this, that out of your thousands of millions of acres of public lands, you have granted to the land States, for the purposes of internal improvements, only 11,500,395 acres.

RIVERS AND HARBORS.

Sir, the rivers and harbors of the West must remain unimproved; her three hundred millions of commerce and her ten millions of people must have no protection; the lives and property of her citizens must be sacrificed for the want of small appropriations to remove the snags and bars from her rivers; her vast stores of agricultural productions must rot in her barns for the want of small portions of the public domain in aiding her to get them to market; and this, too, when it is incontrovertibly proven that the Government receives more immediate benefits from the grants than the States themselves.

From statistics taken by direction of the Treasury Department, it appears that, in the year 1851, 67 vessels were lost on the inland lakes and rivers, 35 by tempest, and 32 by snags; 628 lives were lost during that year, and the total value of property destroyed was near two millions of dollars. I noticed, the other day, a letter of a St. Louis insurance company to pilots on the Mississippi river, directing them to avoid a certain snag in the channel of that stream, and stating that three fine

steamers had been sunk by striking that same snag, at a sacrifice of \$40,000. Now, if there was any obstruction in any harbor on the sea-board, how long would it be before Congress would make an appropriation for its removal, and who would vote for it more cheerfully than Representatives from the West? On my way to this city, down the Illinois and Mississippi, and up the Ohio rivers, I saw scores of boats stationed on sand-bars, making ineffectual efforts to proceed on their journeys. The boat on which I was a passenger, was detained twenty-four hours at the mouth of the Cumberland river. Who, sir, is responsible for these obstructions to commerce, expensive delays, and immense sacrifices of life and property? Let the party whose policy it has been to vote down and veto every river and harbor bill, answer? Why, sir, while we have been discussing the relative claims of “*Young Foggy*” [Mr. DOUGLAS] and “*Old Foggy*,” [General CASS,] we could have passed a river and harbor bill, which would have sent a gladsome thrill of joy throughout the mighty Valley of the Mississippi. A small appropriation—no burden on the Treasury—an amount we would never miss, would clear out the snags and deepen the channels of our Western rivers; would rouse the young West, stimulate her enterprise, and advance her prosperity!

There can be no question as to the obligation which rests upon Congress to make these appropriations. The same clause of the Constitution which confers upon her the power to protect life and property upon the ocean, confers power to protect life and property upon the lakes and rivers. Congress voluntarily assumed this obligation in the passage of the ordinance of 1787, which says:

“The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between them, shall be common highways, and forever free to all of the citizens of the United States, without any tax, impost, or duty therefor.”

Congress having thus declared these rivers to be *common highways* for all the States, and deprived the States of any power to improve the same by impost, tonnage duties, or other tax, she has taken upon herself the irrevocable obligation to improve them, and make them in truth “*common highways*” for the citizens of all the States. There is no power in the States to make these improvements. If it is replied that the States can do it with the consent of Congress, then I rejoin that to do it *with consent is not power*, it is permission. And what State will undertake the enterprise? “What is everybody’s business is nobody’s.” What States will undertake, out of the moneys in their treasuries, to make improvements in which all the States have a common interest, and ought to contribute their common share?

Is this Government not partial in its appropriations? The golden regions of California are scarcely in the Union, before millions are drawn from the Treasury to connect New York and San Francisco by ocean steamers. The Eastern emigrant, after a speedy journey in a floating palace, finds himself safely harbored in the bay of San Francisco, while the Western emigrant, in his ox wagon, must pursue his weary and perilous pilgrimage across mountains and wild deserts, and fight his way through hordes of savages, who infest his path at every step of his advance. For one third of the money expended for steamers, the

Government could open a national road between the frontiers of Missouri and San Francisco, establish the necessary military posts, and station companies of soldiers within convenient distances all along the route. But the cries of distress along that route, and the murders and depredations committed, are far below the notice of Congress.

THE WEST—EXTENT AND RESOURCES.

It is time our brethren of the East had informed themselves of the extent and resources of the West. If they had, they would not look upon her States either "as spoiled children asking for what they were not entitled," or as Goths and Vandals, "seeking every opportunity to pillage the Treasury." To judge from the legislation of Congress, one would infer that they look upon the mighty Mississippi and all its tributaries as not entitled to as much consideration as the most inconsiderable harbor on the sea-board. If they would inform themselves, they would find, as the gentleman from Ohio [Mr. CAMPBELL] says, that "we had some country, and some people there." Take your stand at the mouth of the Missouri, and look up to its source, 3,217 miles, up the Illinois 400 miles, the Ohio 1,000 miles, and the mighty Mississippi, the great trunk of all, as she sweeps her turbid waters 3,500 miles, from her headland home in the wilderness to the Gulf—traverse the valleys of the Wabash, the Kaskaskia, the Rock, the Iowa, the Des Moines, the Wisconsin, the St. Peters, and you will find there is some territory there. An accurate historian of the West, the Rev. Mr. Peck, informs us that, "The Mississippi and Ohio, and their tributary waters, form an inland navigation exceeding twenty thousand miles, for various classes of boats, during two thirds of the year, to the point of junction at Cairo; from thence to New Orleans the river is navigable for the whole year for boats of the largest class." There are broad valleys there; mighty lakes and rivers, and beautiful prairies; mines of inexhaustible wealth; mountains of iron; vast beds of lead, zinc, and copper, and "coal enough to keep the hearth fires of the world bright for a thousand centuries." But, sir, there is also there, the sure and durable element of wealth, the soil, a rich and productive soil—a soil producing, with little labor, and in great abundance, those staple articles which promote the subsistence, as well as constitute the commerce of the world. Agriculture produces the raw material, commerce distributes it, manufactures prepare it for use. But, sir, the latter depend on the former. Agriculture is the only unfailling basis of wealth. The proudest emporiums are liable to decay by the opening of new ways or the diversions of the channels of trade; but these channels of trade, go where they will, they depend for their life-blood upon the productions of agriculture.

"While trade's proud empire hastes to swift decay,
And ocean sweeps the labored mole away,
This self-dependent power shall time defy,
As rocks resist the billows and the sky."

The West is progressing rapidly in commercial prosperity. In the year 1811 the first steam-boat was launched on our western waters. On the 1st day of July, 1851, there were on the inland lakes and rivers seven hundred and sixty-five steam-boats, with an average tonnage of 204,613, and carrying 6,000,000 of passengers, and with an aggregate annual commerce of \$300,000,000, exceed-

ing the whole amount of our commerce with foreign nations.

To show the rapid advance and relative position of the West in the construction of railroads, I have gleaned the following statistics from a table published by the *Railway Times*:

In the United States.

Total number of railroads.....	337
Number of miles in operation.....	11,565
Number of miles in course of construction...	11,228
Cost of roads completed.....	\$335,150,846
Average cost per mile.....	\$28,979

In the Valley of the Mississippi.

Total number of railroads.....	103
Miles in operation.....	2,826
Miles in course of construction.....	7,506
Cost of roads completed.....	\$50,531,435
Cost per mile.....	\$17,845

In Illinois.

Total number of roads.....	18
Miles in operation.....	246
In course of construction.....	2,216

Thus it appears that the West has already one third as many roads as all the States, and nearly three fourths of all the roads in the course of construction in the whole Union.

Mr. Chairman, the population of the Valley of the Mississippi already constitutes more than one third of the entire population of the Union. And, sir, the time is not distant when the seat of empire, the strong-hold of numerical power, will be west of the Alleghanies. The handwriting is on the wall. It is *manifest destiny*, sir. It is written on the signs of the times in clear, fresh, and unmistakable lines. And then, sir, her Representatives will stand on this floor clothed with the power to demand, and not to beg, like crouching mendicants, for justice. But, sir, when her voice shall be potential here, I believe, and trust, it will not be felt in partiality or oppression; but with a high and patriotic regard for the interests of the whole country, she will sympathize with, and cheerfully coöperate in, every measure for the common prosperity, without regard to section or locality. She will then try and establish the proposition, that three hundred millions of commerce on the lakes and rivers is entitled to protection, as well as the same amount on the ocean; and that the life of a man on the Mississippi is worth at least one fifth part of the life of a man on the Atlantic.

What has the West done? Has she not contributed her equal share to the support of the Government? Has she not cheerfully voted every appropriation for the support of the Army, Navy—for the protection of our foreign commerce—without inquiring what particular sections it was most to benefit? And when the country has required the services of its citizen soldiery, who has sought the field with more alacrity? Let the history of the country answer. The West can point to many a battle-field in the war of 1812, and in the Mexican war, which will stand forever as the imperishable monuments of the prowess of her sons. And yet, sir, they claim only, in common with their countrymen everywhere, to have done their duty, and nothing more; and they ask only equal consideration at the hands of this Government.

THE ROADS THROUGH ILLINOIS.

Mr. Chairman, I have not time to present the claims of the various roads for which grants have been asked, and which pass through the State of Illinois. The Burlington and Lafayette road, the

extension of the Alton and Sangamon road to Bloomington, connecting St. Louis and Chicago by the most direct line, and the Cincinnati and St. Louis road are most important thoroughfares; and when these measures come up, I will, if I can get the floor, present their claims to the best of my ability. I would not have the committee infer that we expect to get grants for all the roads asked for, for, as Mr. DeCATAS said in the Senate, this is out of the question. We, of course, will expect the House to select from all the roads brought before it such as present the strongest claims to the consideration of Congress. As the bill introduced by my friend from Indiana [Mr. DAVIS] will probably first come up for consideration, I will say a few words as to the route it proposes. This is an extension of the Hannibal and St. Joseph road eastward to Terre Haute. From the Mississippi to the Illinois rivers a road is now in process of construction. From the Illinois river to Springfield a road has been in operation for several years. It is now proposed to grant alternate sections of the public lands for six miles on each side of the road, to extend it to Terre Haute, a distance of one hundred miles. From Terre Haute to Indianapolis a road is in operation, and thence to Columbus a road is in process of construction, and from this point a choice of routes can be shortly had to any of the Eastern cities. The importance of this road can be seen at a glance. St. Joseph, Quincy, Springfield, Indianapolis, Columbus, and Philadelphia are all on the parallel of latitude forty, running through the geographical center of all these States, equidistant from the lakes on the north and the rivers on the south, through the finest agricultural districts in the world; it is the short, central, and convenient route of the cities of the West to the Mississippi, and the Missouri, and at a future day, to the Pacific ocean. I verily believe that this is the route which is destined to bear on its long lines that majestic procession of the commerce of the continents of Europe, America, and Asia. Perhaps not a century will elapse before the millions of Spanish-Americans, will see in the same tract of our the merchant of Liverpool, New York, San Francisco, and Peking; and that trade which built up Babylon and ancient Holland, and which has made the shores of British empire for centuries, will find its natural outlet over the Rocky Mountains and the prairies of the West.

Mr. Chairman, I shall remind what I have to say by expressing a hope that in our progress upon the public lands we will not be governed by the narrow considerations of sectional jealousy. Are the reasons for which we are going to the back of any particular section? Do they not give new and valuable markets for your cities? Are they not outlets for your merchandise and the fruits of your manufactures? And do they not bring the productions of the solitary West, transported and in greater abundance to your doors? Do they not bring your commodities and cargoes, piled up your cities, and laden your ships with the cargoes of valuable commerce? A railroad in Illinois, says a gentleman on the subject, is the economic principle of the nation. Shall we adopt the policy that we will pass no measure unless it confers special benefits on every section of the country? Then, sir, we can pass none. Then, sir, stop all appropriations for cut-

tom-houses, ocean steamers, and coast surveys; for these add to your wealth, these make your merchant princes, these swell the sails of your commerce, while we share their benefits in an indirect and incidental way only. But I trust, Mr. Chairman, the West will never oppose an appropriation for the "general welfare or common defense," because the locality of that appropriation may receive especial advantage from it. Whatever benefits the East or South is our benefit—if not for our benefit, it is for the nation, and that's enough. The ocean steamer that plows the deep, it is enough for us that she bears aloft our stars and stripes, and displays to the world the commerce, power, and renown of our country. It is enough for us that she bears the trident of the seas, and outstrips the power

"Whose flag has floated a thousand years
The battle and the breeze."

Away, then, sir, forever away with arguments like those of the gentleman from New York, [Mr. BENNETT], addressed to our sectional prejudices and local cupidity. We have one country: our interests are one, our history is one; our destiny is the same—a glorious destiny of free and sovereign States to unexampled power and renown. The same flag that flashes its stars to the sun on the banks of the Hudson and Potomac is hailed by millions of rejoicing freemen on the banks of the Mississippi and the Columbia.

Mr. Chairman, I confess I was delighted the other day at the vivid description given by the gentleman from New York [Mr. BROOKS] of the extent of our newly-acquired possessions, and the vast area of our country. Within the last five years three new States have been added to the Union, and there is the territory at the head of the Missouri and the Arkansas, the Territories of Nebraska, New Mexico, Utah, and Oregon—and the vision of an ocean-bound Republic is now a reality. Sir, what a mighty theater for American enterprise! What a mighty course for the race of democratic liberty!

The gentleman from New York informed us that we had upon the frontiers an army of 12,311 men, 118 military posts, and 6,500 miles of frontier requiring our protection. Now, sir, who can doubt that railroads, enabling us to concentrate at given points our Army and munitions of war at the shortest notice, will be a more reliable and surer defense than thousands of military posts and fortifications? And, sir, when we have united the Atlantic and the Mississippi, our rivers, lakes, and rivers, by these iron bands of commerce, we shall have stronger and more impregnable bonds of union "than all the constitutions which man ever formed." This, sir, will be a new era—an era, not only of commerce, which is an exchange of commodities, but also of the exchange of ideas, the free communication of thought—the end of a long and dark struggle with its mighty throng of ignorance, superstition, and prejudice, and a new era of liberty and progress with this new power of commerce. We expect the iron horse travels, he will carry, not only the rich productions of our soil, but our laws, our liberty, and our religion. Flying over the rivers and mountains and wild deserts, it will realize the bright vision of Isaiah: "The valleys shall be exalted, the mountains laid low, and straight in the desert, shall be made a highway for our God."

It is already our boast as a nation, sir, that we enjoy more of liberty, a more universal diffusion of knowledge, and a more exalted national character than any nation on the globe. But the striking feature of the American character is its enterprise—an enterprise that knows no obstacles, counts no costs, fears no dangers, triumphs over all obstacles. Look at California—three thousand miles away in the wild deserts, and mountains and savages between. And yet, sir, a young empire is there—a sovereign State, she has her Representative on this floor, who delights us with his eloquence; and who, to quote my friend from Kentucky, [Mr. BRECKINRIDGE,] is ready to turn the world upside down with his brilliant notions of “young fogysm,” “young America,” and “manifest destiny.”

But, sir, the most felicitous thought is now, that the fears of disunion growing out of the increased extension of territory no longer alarms the patriot. It will be no matter how far Charleston is from New York when, sir, they can have constant communication with each other in a few days. Rome, by her military powers, spread her empire

over the world; and her eagles winged their triumphant flight over conquered provinces; but these provinces were beyond the reach of the Roman lawgiver. The eloquence of Cicero thundered in the forum, but it reached no further than the ears of the conscript fathers and the Roman populace. But not so with us, when the message of the President can be read in the most distant State on the day of its delivery. Not so with us, when we travel by steam, print by electricity, and talk by lightning.

Then, sir, with the proper application of the resources that belong to us, and a faithful development of the true principles of our freedom, we may look forward, fearless of disunion, to the magnificent destiny which awaits us,—a nation renowned in arts and arms, her institutions of benevolence and public works the wonder of the world—her republican example the beacon light to light up the world to freedom!

Mr. Chairman, I see that my time is about expired, and I close by thanking the committee for the attention it has accorded me to what I have offered for its consideration.

THE HOMESTEAD BILL.

REMARKS

OF

MR. YATES, OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES, FEBRUARY 28, 1854.

Delivered in Committee of the Whole on the state of the Union, the Homestead Bill being under consideration.

Mr. YATES said:

Mr. Chairman: The short time allowed by the rules of the House will not allow me to enter into the discussion of the merits of this bill. I am glad, however, that there is time enough for me to say that it meets with my full approbation. Two years ago, when the bill was pending before Congress, I had the good fortune to express my views at some length in its favor, and since that time I have had no reason to change my opinions. In fact, more mature reflection, and the interchange of views with my constituents, have served to confirm me in my convictions, and I am now satisfied that the proposed measure ought at once to be adopted by Congress.

The friends of the homestead bill in the last Congress labored hard for its passage; and so convincing were the arguments in its favor, that on the 12th day of May, 1852, it passed the House of Representatives by a vote of more than two to one. It went to the Senate, and from the opposition or indifference of that body, or for the want of time, it failed to pass. The passage of the bill through the House met the sanction of the country. It has been endorsed and commended to Congress by various State Legislatures. I well recollect, sir—and it is a pleasant recollection—that upon my return home at the close of the first session of the last Congress, I was taken by the hand by many a laboring man and greeted with warm benedictions because of the very humble part I had taken in favor of the measure. And when I told them, what I then believed, that it failed in the Senate for want of time, but that I had no doubt it would pass that body at its short session, they were inspired with new hope. The mere prospect of its passage gladdened the heart and brightened the eye of many a poor and homeless man, who had been led to look anxiously for a home on the public domain, and who could not understand why the Government should, with the grasp of the miser, hold on to her lands unoccupied and unimproved, while he had no home on earth, but had a willing heart and hand to bring them into settlement and cultivation.

But the action of the Senate only brought renewed disappointment. The visions of a home, with all its sweet and hallowed associations of fire-side, wife, children, and friends, vanished before the opposition or inaction of the Senate. But these hopes are now again revived, and I trust they will not be again disappointed. At all events, we can do our duty, and leave the responsibility of its defeat, if it is to be defeated, where it properly belongs.

It would be easy to show that the General Government would profit greatly by these grants to the actual settler; that it would greatly increase the value of the remaining unoccupied lands, and augment, to a great extent, the aggregate of national production and prosperity. It would be easy to show that it would promote immigration to the land States, and insure their settlement and improvement; and that it would establish in comfortable homes, and elevate in character, a large portion of our laboring classes, who now gain a scanty livelihood by the hard earnings of daily toil, or who, as mere tenants of the soil, hopelessly struggle against adverse fortune without the prospect of bettering their condition. But there is not time to take up these points. The small quantity of the public lands to be taken would not be missed by the Government. It is not to be supposed that more than half a million of persons would avail themselves of the provisions of this bill. And what would a half million, out of the ten million quarter sections of land, be to the Government?

Mr. Chairman, that we may form some idea of the vast domain upon which American agriculture is to achieve its triumphs, I remark, that since the year 1802, thirteen new States (Ohio being the first and California the last) have been admitted into the Union, embracing an area of five hundred and six million acres of land. That vast country stretching from the northern lakes and the Mississippi river to the borders of California and the Pacific ocean, embraces an additional area of eleven hundred and ten million acres. There were of unsold and unappropriated, offered and unoffered

lands, up to June 30, 1853, in the thirteen States and Territories, over thirteen hundred and sixty million acres apportioned in the said States and Territories, as designated in the following table:

States and Territories.	Area of Acres.
Ohio.....	244,196.08
Indiana.....	247,339.41
Illinois.....	4,115,969.97
Missouri.....	92,792,891.41
Alabama.....	15,499,693.70
Mississippi.....	9,084,665.94
Louisiana.....	9,134,143.81
Michigan.....	16,142,293.48
Arkansas.....	15,725,388.83
Florida.....	29,262,671.59
Iowa.....	22,774,175.67
Wisconsin.....	25,578,486.19
California.....	113,682,436.00
Minnesota.....	83,325,601.41
Oregon.....	296,349,333.00
New Mexico.....	127,369,044.00
Utah.....	113,380,043.00
Northwest.....	338,384,000.00
Nebraska.....	87,188,000.00
Indian.....	149,784,140.00
Total.....	1,360,070,681.89

Thus we see how mighty is the course on which is to be run the great race of American labor. Our public domain stretches far into the West, over mighty forests and prairies, crossing mountains and rivers, on to the Pacific ocean. Here, sir, is a domain boundless, and exhaustless for generations to come, to be applied to the great purposes of national advancement, internal improvement, and education, and to be the homes of our spreading millions of American freemen. Thank God! here is room for every son of toil. We can say to every poor laboring man, "Here is room." And I hope the day is now at hand, when these public lands shall be opened for occupation in limited quantities to the actual settler, and when every homeless and houseless American citizen, and every poor wanderer from foreign oppression, may find upon this broad domain a home for himself and his posterity forever.

I am no agrarian, sir. I can well see why absolute fee-simple title in the soil is not only right, but necessary to insure permanent improvements, such as houses, farms, &c., essential to the comfort of families and the prosperity of the State. But I also believe that no law or conventional usage, nothing, except a man's own want of energy or his worthlessness, should exclude him from a sufficiency of the earth to be tilled for the subsistence of himself and family. Shall he breathe the free air of Heaven, drink the pure water so bountifully provided, and enjoy the light of God's glorious sun, without money and without price, and yet, of all the untold million acres of this green earth, not have a spot for the labor of his hands and the home of his heart?

The measure is not agrarian. It does not take your property and give it to me. It gives to each person a portion of his own interest, or share in this great heritage held by the Government in trust for all. And if these lands were divided among the people, the share of each would be far more than that which is allowed by this bill. I repeat, it is not agrarian. It does not pull down, it builds up. It degrades no one, it elevates all. It does not bring down the high, but it raises the low. It does not make the rich poor, but it makes the poor richer, more comfortable, and more happy. Its ob-

ject is to shed life, and light, and happiness, to plant in the wilderness new Commonwealths, the church, the school-house, and the free-hold home, and to push forward the car of civilization and Christianity. The effect of the bill will be not only to augment the aggregate of national agricultural production, but also to increase to a vast extent the amount of consumption, affording to manufacturers and mechanics, to commerce and navigation, new fields for profit and employment. It will make of those now helplessly poor and oppressed, independent free-holders, having an interest in the soil and in the Government, and doubly patriotic and attached to their country, because of the generous interest and care evinced by that Government in providing homes for them and their families.

How shall the Government more effectually advance its own welfare or add to its strength? It is among the tillers of the soil where we most generally find the men of strong arms and brave hearts, and those virtues of honesty, frugality, and firmness, and patriotism, which must ever constitute the tending and imperishable bulwarks of national strength and national security.

There should be no delay, Mr. Chairman, in passing this bill. It will, perhaps, not be a year before nearly every acre of good land now subject to private entry will be taken up. And by whom taken up? By the actual settler? No, sir; by the speculator. We learn, from the report of the commissioner of the General Land Office, that the sales of the public lands, for the fiscal year ending June 30, 1853, amounted to seven millions two hundred and thirty-five thousand two hundred and eighty-one acres; exceeding the sales of the previous year by over two million acres. Now, sir, of these two million acres thus sold, I hesitate not to say that there was not one million sold for the purposes of immediate actual settlement; so that at least six million acres of these lands have gone into the hands of speculators. In the State of Illinois, during the same year, there were sold two millions eight hundred and seven thousand nine hundred and eighty-one acres. It is very probable that over two and a half million acres of these lands also went into the hands of speculators. I was at the land office in Danville, Illinois, during the last fall, where I found hundreds of speculators; one, sir, who told me he had entered twenty-four thousand acres, and he a non-resident, at that. I found there, sir, several instances in which poor men, who came there to purchase for actual settlement a chosen spot of eighty acres—chosen after weeks of search—found their lands included within the broad area on which the speculator had laid his remorseless grasp. They were compelled to go in search of other lands, at the hazard of like disappointment, or to pay fivefold the Government price for the lands they had hoped to enter. And yet, sir, the President, in his message, says: "It is believed that experience has verified the wisdom and justice of the present system with regard to the public domain, in most essential particulars."

Mr. Chairman, I submit the question, whether the system, as now pursued, is to be our policy in the future as to the lands in the States and Territories? "Has experience justified the wisdom and justice of the system," which permits the wealthy capitalist to purchase these lands in unlimited quantities, and to withhold them from

settlement and occupation, to the exclusion of the actual settler? Under the present system, non-residents go into the new States and Territories, and by means of associated capital, enter large tracts of the best land—from one to one hundred thousand acres—which they withhold from settlement and cultivation until the improvements of adjacent lands, made by the hard-handed toil of the actual settler, add tenfold to their value, when they sell them to him at these augmented prices. I oppose such a system, as having the effect to retard the settlement and prosperity of the new States and Territories; as an act of gross and intolerable injustice to the poor and industrious pioneer; and as establishing land monopolies, which have been the curse of every country where they have been suffered to exist. Would it not be better to have these lands in cultivation, divided into farms of moderate size, in the occupation of our poor and industrious families, than to have them entirely absorbed by speculators? I call the attention of the Committee on Public Lands to this subject, and suggest to them the propriety of providing for the sale of the public lands in limited quantities to each purchaser. Under the present system, we are rendering the States and Territories liable to the largest land monopolies the world ever saw. No small part of the calamities and oppressions of the kingdoms of Europe is to be traced to these monopolies of the soil in the crown, and in the hands of a few. Look at Ireland, whose millions of yeomanry are the miserable vassals and tenants of English landlords. Look at England, where some thirty thousand proprietors have the title to the soil. In those, and other countries of Europe, are to be seen, and will be seen and felt for generations to come, all the evils and inequalities growing out of such systems of land monopoly. There are to be seen the fearful contrasts between the luxurious splendor of wealth, on the one hand, and abject want and squalid misery on the other. I know, sir, that, under our laws of descent, we may never expect to witness this contrast to the same appalling extent, yet it cannot be denied that enormous injustice, as well to individuals as to the State, must be the result of our present system of land policy.

It is urged that the passage of this bill will tend to diminish the population of the old States by holding out inducements to emigration. I apprehend that though this may be the case to some extent, yet it will not sensibly affect the prosperity of the old States. But, sir, I cannot believe that the citizens of the old States would so far stifle the feelings of humanity as to desire to prevent

the laborer from seeking any portion of our common country where he could better his condition, and release himself from the grasp of want and poverty. There being but few public lands in the district I have the honor to represent, doubtless some of my constituents would seek a home elsewhere on the public lands. And, sir, though I might dislike to part with them, yet I would say to them, "Go where you can find the greatest enjoyment and highest prosperity." Wherever they may locate on our broad domain, they will still be American citizens, protected by the same Constitution, under the folds of the same glorious flag, and united to us by the ties of country and a common humanity.

I care not, Mr. Chairman, what motives may be ascribed to me for the support of this bill. If it shall only become a law I am willing that those who are destitute of those noble pulsations which should sway every man's breast in behalf of his fellow-man, may ascribe what motives they please. I have not been an unmindful observer of the hardships of the laboring man, and I thank God I have a heart full of sympathy for suffering humanity. Wherever I see the laboring man I respect him. It is no disgrace that his hands are soiled by honest labor. It is the essence of our institutions to respect and honor labor; and if we are ever to have an aristocracy in this country, God grant that it may be the aristocracy of free American labor. What little influence I may have here or elsewhere shall be exerted to promote its highest dignity, and to secure to it its highest reward. And it is in this spirit and for this purpose I support this bill. Whenever I see the poor but industrious laborer, with a large family dependent on him for support, struggling against the strong current of adversity and poverty; whenever I see him tottering beneath his heavy load, as he toils with unsteady step up the scaffold of the rich man's edifice; or when I see him in the back ground upon the corner of another's farm, barely able to obtain a scanty subsistence, and without the means of educating his children, it is *then I think of this bill*. It is *then*, sir, that the vision of a bright, sweet home for that man, in the valley of the Nebraska, on the hill side, in the forest glade, or "where the prairie sparkles with flowers," rises up before me.

I trust, Mr. Chairman, that we may this very day send this bill to the Senate, with the prestige of a large majority in its favor, and that that body, in response to the almost universal sentiment of the country in its favor, will act upon it and pass it without delay.



SPEECH

OF

HON. RICHARD YATES, OF ILL.,

ON

THE STATE ON PARTIES, THE CONDITION OF THE UNION,
AND A PUBLIC POLICY.

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, FEBRUARY 28, 1855.

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1855.



S P E E C H .

The House being in the Committee of the Whole on the state of the Union—

Mr. YATES said:

Mr. CHAIRMAN: Some time ago, when the gentleman from Georgia [Mr. STEPHENS] addressed the committee on the Nebraska question, and the result of the last fall elections on that question, I was anxious to have obtained the floor for the purpose of a reply, and took notes for that purpose. I, however, did not succeed in getting the floor. I had not wholly abandoned my purpose of replying, when, on last night, the debate sprang up afresh, and the positions assumed by the gentleman from Georgia were in substance assumed by other gentlemen, and I determined, if I could get the floor, to give my views upon the subject. By your good favor, Mr. Chairman, I now have the floor, and shall proceed, not very methodically, I fear, to express my views.

I was surprised to hear the gentleman from Georgia say, that the result of the elections returning to the next Congress an overwhelming majority opposed to the repeal of the Missouri compromise, was no test of the popular sentiment of the free States on that subject; when, in fact, in the whole history of legislation, from the first dawnings of our national existence down to the present time, no public measure ever met with such withering and blasting popular condemnation as did the Nebraska bill, and its authors and abettors. This condemnation has swept over that measure and its authors like a sirocco, wasting and destroying, to stand forever, I trust, an effectual and perpetual admonition to politicians, that sacred compromises are not to be trampled on with impunity; that the great inalienable and eternal principles of freedom and humanity are not to be sacrificed to the moloch of ambition, and crushed beneath the iron heel of tyrannical legislative majorities. Yes, sir, by the results of those elections, American freedom has proudly and nobly vindicated herself, and shown herself capable of rising superior to the domination of political parties and aspiring political leaders.

I repeat, sir, I was astounded at the attempt of

the honorable gentleman from Georgia to evade the force of this popular condemnation by the plea, that the elections were no test of the popular sentiment of the country. The speech was absolutely novel in this fruitless adventure to gloss over a defeat so palpable and glaring. It took the House by surprise, and was interesting for its very boldness and novelty. Ohio elected her anti-Nebraska Governor with a popular majority of eighty thousand, and sent her unbroken delegation of twenty-four members opposed to the Nebraska bill. Pennsylvania did almost the same; Indiana, Iowa, New York, and other States almost the same; and yet, sir, the gentleman from Georgia asserted the Nebraska question "had nothing to do with it." Now, sir, it so happens, it is a part of the history of the times—and history of such recent occurrence, that to deny it is strange indeed,—that almost the only question discussed in all these elections was the Nebraska bill. Every political paper teemed with its columns full, *pro* and *con.*, on this question. The old questions of tariff and internal improvement were lost sight of, and the contest was fought, hand to hand and hilt to hilt, upon the bill of Judge DOUGLAS and the Administration to repeal the law of 1820, which had forever consecrated the Territories of Kansas and Nebraska to freedom. That other matters were brought collaterally into the contest, as they are in every election, I do not deny; but that the Nebraska question was the great, the controlling, the dominant question, no man can truthfully deny. The issue had been made up in the Senate and the House at the last session. It was made by the Senator from Illinois, who all the time proclaimed that he was ready to go before the people upon the merits of his bill.

The issue was made by the gentleman from Georgia, when he said, at the last session of Congress, in the language of bold defiance, that "the South had triumphed on every question, when the issue had been made, and she would triumph again on this question." And, sir, when the minority in this House, after a long and protracted struggle, unprecedented in the annals of congress-

sional legislation, were overborne by a subversion of the rules of the House, they then notified the majority that they would make their appeal to the people. And, sir, they made that appeal. Discarding all old issues, the friends and opponents of the Kansas-Nebraska bill met each other on the stump, through the press, and at the ballot-box; and the popular decision has been emphatic and unmistakable. The result was the overthrow of an Administration which, but two years before, had ridden into power upon a tempest of popularity. The result was a serious and lasting back-set to that northern Senator, who had volunteered the surrender of the principles dear to the people of his own State, and who had trampled upon the sentiment which animates, warms, and sways the northern heart in favor of liberty and humanity. It is said that the Know-Nothings had a great deal to do with the result. Does this make the anti-Nebraska triumph less complete? Are not the Know-Nothings American citizens? and if they cast their vote for the anti-Nebraska candidates, was it not because they preferred them to candidates entertaining opposite sentiments? It cannot be contended that their vote was a mere blind force, so far as this issue is concerned; for how, then, will you explain the fact that nearly all the members recently elected to the next Congress are anti-Nebraska; for, if the Know-Nothings aided in their election, and the vote was a blind one, was there not an equal chance of its falling on the Nebraska side of the question? The truth was, sir, that not only Know-Nothings, but a large portion of our German and English population, hostile to slavery in all its forms, cast their votes, in many parts of the country, for the anti-Nebraska candidates. I am most happy here to declare that, in our State, among the strongest opponents to the extension of slavery is a large part of our foreign-born population.

But it is to the State of Illinois, to which I wish particularly to refer. The gentleman from Georgia said, in his speech, "if there is a State in the North which may be appealed to, where there was anything like a contest, it was Illinois." "The Nebraska bill gained strength in Illinois." He says that "the distinguished Senator, who had charge of the bill in the Senate, stood in front of the battle, never giving ground, never yielding an inch; and the gallant gentleman upon this floor, [Mr. RICHARDSON,] who had charge of it here, met the people of Illinois every where on its merits." Now, sir, a few facts will show, that so far from an indorsement of the Nebraska bill by the people of the State of Illinois, its condemnation there was more signal and decisive than in any other State in the Union. If this is the only fountain, from which the gentleman is to drink the waters of consolation, he will find them bitter to the taste. Now, sir, let it be recollected that, in 1852, Illinois was the banner State of Democracy, and that, while all other States had at some time failed in the hour of trial, the State of Illinois had never faltered in its fealty to the Democratic party. At the presidential election in 1852, General Pierce carried the State by the large majority of sixteen thousand votes.

Now, sir, if we take the election for State treasurer as a test, as the gentleman from Georgia did, we find that Governor Moore, the popular candidate of the Democratic party, carried the

election over his competitor, who was brought out just before the election, without any organization for that purpose; by the meager majority of something over two thousand votes. I deny, however, that this was a test. The truest test was in the election of members to Congress; and here we find that the popular majority given for the anti-Nebraska members for Congress was sixteen thousand two hundred and forty-seven. Three Representatives were elected to Congress favorable to the Kansas-Nebraska bill, four opposed to it, and the remaining one is to be decided upon a contested election. In one district only was the majority for the Nebraska candidate increased over the preceding election, and that was in the Quincy district, represented by my friend and colleague, [Mr. RICHARDSON.] And, sir, though he, perhaps, would be unwilling to admit the fact, yet, sir, I am well convinced that he was more indebted to his great personal popularity, than to his position on the Nebraska question. That gentleman had served his country with distinguished credit to himself in our war with Mexico, and with great ability in the Legislature, and in this House, for many years, and also possessing sterling qualities of head and heart, a noble and magnanimous nature, he had a grasp upon the affections of his constituents which his position on the Nebraska question could not affect. But, sir, there were other elections more signal—the elections of members to the Legislature. I think I may safely say, that during the last twelve years there has been no period, until now, when the Legislature of Illinois was not two thirds Democratic. And yet, sir, notwithstanding only about one half of the Senators were newly-elected at the late canvass, yet we find a large majority of the Legislature passing resolutions condemnatory of the course of their Senators in voting for the Nebraska bill, condemnatory of the bill itself, in favor of the restoration of the Missouri compromise, and electing triumphantly to the Senate of the United States a gentleman who had distinguished himself by his able and eloquent opposition to the Nebraska bill, and had been elected on that issue, in a largely Democratic district, over the regular nominee of the Democratic party, by a majority of two thousand three hundred and twenty-two votes.

Here, then, is the triumph of the gentleman from Georgia in the State where he says the issue was fairly presented, and where "the distinguished Senator had met the people, never giving ground, or yielding an inch." Yes, Mr. Chairman, a mighty effort was made to carry Illinois; the young giant was there, but he was there with his locks cut; shorn of his strength, he was there to meet an indignant constituency. He returned to that people, not as he did of yore. They had heaped their highest honors upon him. More dexterous and politic than his equals and superiors in his own party, he had got upon the current of popular favor in that party, which was powerful and dominant in the State, and favored by good fortune and favorable breezes, he had been borne, almost without opposition, to the highest honors of the State and the nation. Enjoying the full confidence of a generous and impulsive party, such as I admit the Democratic party of my State to be, he had been greeted, on his return, at the end of each session, to his constitu-

ents, from his duties in the National Councils, with the cordial salutations of welcome. But when he returned at the end of the last session, he returned to meet a people whose kindness he had slighted, and whose repeated favors he had returned by a ruthless and successful attempt to destroy a sacred compact for freedom, which, according to his own declarations to them just four years before, had "stood for a quarter of a century, and been approved by men of all parties in every section of the Union, and canonized in the hearts of the American people as a sacred thing, which no ruthless hand would ever be reckless enough to disturb." The result is before the world. The Senator has his reward. The Allies may take Sebastopol, but he will never take Illinois again; he has had his trial in that State, and the verdict of an honest and high-minded people has been pronounced, and from that verdict he will not recover as long as "grass grows or water flows."

There are thousands of slaveholders at the South who regard slavery as an evil, but who see no remedy for it, but to treat it wisely and humanely, and who look forward, with hopeful anxiety, to its ultimate extinction. There is another class who believe slavery is right, and, therefore, they advocate it. For both these classes I entertain respect; for, sir, let a man be true to his convictions, though he believe a lie! but how shall we feel other than the most unmitigated contempt for the political schemers who, taught in all the inspiring lessons of freedom, in northern climes, where the very mountains, rivers, and skies, as well as the charters and constitutions of society, bear the mighty impress of freedom, yet "crook the pregnant hinges of the knee" to slavery for the sake of promotion and official station. The slave himself, groaning beneath his fetters, is far more deserving of our admiration than the cringing, fawning sycophant, the northern man with southern principles. The one eats the bread of well-earned, though involuntary, servitude; the other the iniquitous wages of voluntary subservency and debasement. We have found at the North men who, at different points of time in the history of the slavery question, were ready to smother the spirit of free discussion, to trample in the dust the sacred right of petition, to close the United States mails to papers opposed to slavery, and last, not least, to gag the mouths of the ministers of the living God against denouncing what they deemed to be wrong. I speak not of southern men, but of northern men, with professed southern principles—men who, having deserted the North, would play Dalgetty to the South, as soon as "thrift" in that direction "should not follow fawning."

Another important thing, sir, in relation to the Illinois election, I state what I have no doubt is true, that the condemnation of the Nebraska bill would have been almost unanimous, but for the argument so pertinaciously urged by its friends in that State, that there was not the least probability that slavery could ever exist in Kansas under the Kansas laws; that the slaveholder had no right to take his slave there; that the slave would be free the moment he got there, that—the laws of God, of climate, of physical geography, forever prohibited slavery there. They were told that it was not the object of the repeal of the Missouri compromise to establish slavery, but the great principles of self-government—and the delu-

sive authority of Senator BADGER and other distinguished Southerners was quoted to show that Kansas would not become a slave State. There was but one opinion in that State upon the subject of the extension of slave Territory. The popular sentiment of the State on that question is not to be mistaken. No more slave Territories or slave States to be made out of our common territories, is a sentiment as indelibly written upon the popular mind and heart of Illinois, as is beauty and fertility upon the bosom of her prairies. To have admitted that there was the least chance for the admission of Kansas as a slave State under the operation of the Kansas and Nebraska bill, was to have stamped that bill with the seal of universal reprobation. Hence, sir, the pretense, the evasion, the delusive argument that Kansas must and would be free. Why, it was asked, agitate the country for a restoration of the Missouri compromise, when it could not alter the *status* of the Territory as to slavery, and when Kansas must inevitably be free whether the compromise was restored or not? These were the arguments which enabled the friends of the Nebraska bill to carry with them the minority which they did in the State of Illinois. Otherwise, sir, that minority would not have been a corporal's guard. It was in vain that we pointed that minority to the locality of Kansas, with Missouri a slaveholding State on the east, and Arkansas and Texas on the south—and that the slaveholder of the South, with eyes ever open to behold and hands ever outstretched to grasp each new field for slave labor, would be the first on account of near neighborhood, to preoccupy the Territory of Kansas, and to write upon the *tabula rasa* (as they called it) in colors, dark and durable, the blackening lines of human bondage. It was in vain that we showed that slavery had eaten and occupied up to the very fence erected against it by the Missouri compromise, and that if that fence was removed, it would go over and occupy the consecrated heritage of freedom; it was in vain that we showed that there was nothing in the locality, latitude, soil, or climate, rendering it unfit for slave occupation; that slavery was as profitable in the western part of Missouri, and would also be in Kansas, fine hemp growing and tobacco producing regions, as it was on the sugar and cotton plantations of the South; it was in vain we showed that Indiana would have been a slave State but for the prohibitory ordinance of 1787, and that her Territorial Legislature had petitioned Congress five times for the suspension of that ordinance. It was in vain we referred to the persevering effort of slavery to get a foothold in the State of Illinois in spite of the ordinance of 1787, and of its so far insinuating itself into the interests of that young people as to array in its favor a respectable minority at the formation of our State constitution. It was in vain we urged the fact that it required but a few slaves, in the first instance, to establish the character of the Territory for slavery; that a few slaves in New Orleans had made Louisiana a slave State; a few slaves in St. Louis had made Missouri a slave State; that twenty slaves landed from a Dutch man of war on the coast of Virginia, had darkened with the curse of slavery that old mother of States from that time to this. It was in vain that we referred to the aggressive spirit of slavery, that she wanted more territory, more States, more Senators and Repre-

sentatives, more political power, to nationalize slavery, to make it the dominant and ascendant policy of the Government. By such and numerous other arguments we endeavored to point out the strong probabilities of Kansas becoming a slave State under the operation of that clause in the Nebraska bill which left the people of the Territory "perfectly free to regulate their institutions in their own way."

But, sir, we were met by our opponents, and the idea that slavery would go there was laughed at as an absurdity; "it could not get there; and if it did, the people would exclude it." And not only this, they went still further, and contended, that the repeal of the Missouri compromise would be the means of establishing freedom, not only in Kansas, but also south of the line of 36° 30'; for these gentlemen had not the candor to tell the people that the Missouri compromise did not, in the slightest degree, effect the territory south of 36° 30', either for freedom or slavery. And, sir, for pointing out these dangers of the extension of slavery, we were denounced as agitators, as the allies of Abolitionists and fanatics, as the enemies of freedom and self-government, while our opponents claimed that they were the peculiar friends of the freedom of Kansas and all south of 36° 30', and the true friends of the country and the Union. I now repeat, sir, had the people of the State of Illinois been impressed with the serious conviction that the effect of the Kansas bill would have been to ingraft slavery on the young limbs of that infant Territory, I believe, sir, she would not have returned a single member to Congress known to favor that bill.

And now, sir, what has been the result? Scarcely two months had elapsed, and the designs of the South were made clearly manifest. Kansas now has her Delegate on this floor, whose views, I believe, are well known to be favorable to making that Territory a slave State. The second highest functionary in the Government, the acting Vice President of the United States, was, as we are informed, but a few months since upon the confines of that Territory, making harangues to the people in favor of carrying out his darling project of southern institutions in Kansas, and erecting there, where free labor was to have had her home, and freedom to have erected her temples, another altar to the God of human bondage. There, sir, has been illustrated and displayed to the gaze of Christendom the beautiful workings of that system of self-government, which elicited the eulogies of the Senator from Illinois and the gentleman from Georgia. There, sir, if reports be true, the great question of human freedom has been decided in the Territory of Kansas, not by the people of the Territory who were to govern themselves, but by the people of another State.

Ah! sir, did the gentleman from Georgia, at the last session of Congress, when silence reigned along these aisles, and the people's Representatives gathered around him, and listening ears bent over these parapets, and beauty's bright eye flashed from the galleries upon that eloquent Georgian, did he dream that before the moon had waxed and waned three times, we should have such a practical delineation of the great principles of popular sovereignty for which he contended? The materials of our own country were not sufficient. The musty records of the past were scarce

ample enough to afford scope for his illustrations of the grandeur and greatness of the great principles of popular sovereignty. He stood in Parliament where the younger Pitt stood when he thundered against Lord North and the tyranny of the British Crown towards the infant Colonies. He ranged himself by the side of Webster, when, driven from Faneuil Hall, he planted himself upon the compromises, the Constitution, and the Union. Ah! sir, here was the mistake of the gentleman; he fought, not as Pitt did, for universal freedom, for the God-given, natural and inalienable rights of all men, for the right of every people to govern themselves, but he fought for the right of a people to govern others; not for freedom, but for an extension of that sort of despotism which sullies our national escutcheon, and concerning which Jefferson said he "trembled for his country when he knew that God was just."

I say the result is known. Kansas is on the road to slavery. Some gentlemen may say Kansas will still be free. Deceive not yourself. Without the interposition of Congress, Kansas is doomed, and doomed forever, to slavery.

When, on the 23d day of January, 1854, the bill for the territorial government of Nebraska was amended in two important particulars, one for the repeal of the Missouri compromise, and the other for the creation of two Territories instead of one, it was not difficult to divine what had been the deliberations of caucuses and committee rooms; it was not difficult to know that freedom had yielded to slavery, and that two Territories were to be created upon the principle of compromise—that Kansas was to be slave, and that Nebraska might stand her chance for freedom. The South will never consent that a free State shall come into the Union without a slave State is also admitted as a countervailing force. For every star of light and freedom which is to shine in our political constellation, she must have her corresponding orb of darkness and slavery.

Mr. Chairman, the gentleman from Georgia, in a sort of rhapsody, declared the Nebraska bill "a great national movement"—as "a grand step in the progress which characterized the age." One would infer, from such extravagant eulogy, that some new principle in political economy had been discovered, which was to constitute an epoch in our national progress, and to ameliorate the condition of the world. What does he mean? The right of a people to establish slavery if they desire it? This is his great national movement; it can be nothing else; for the right of a people to govern themselves, in the true sense of *self-government*, can certainly be no new principle to Americans. This right was consecrated by the blood of Bunker Hill, is proclaimed in the Declaration of American Independence, is secured in the Constitution of the United States, and is now enjoyed by every State of the Union. Does he mean to say, that a prohibition of slavery in a Territory is the denial of a right of self-government? As well might he say that a prohibition of orders of nobility was a deprivation of the right of self-government. Will the people of Indiana, or Illinois, admit that they were deprived of the blessings of self-government, simply because they were interdicted by the ordinance of 1787 from establishing slavery? The argument of the gentleman is, that every system of self-government is, and has been, incom-

plete which deprived the people of the Territories of the right to hold their fellow beings in bondage. No, sir, it is a misnomer. The gentleman misnames, as self-government, what is no less than a denial of the first principles of justice, right, and humanity. His self-government means not, that one class of people may govern themselves, but that they shall have the control of others, that the labors and burdens of society shall be borne by one class and its advantages and blessings enjoyed by another. Tell it not in Washington, not to the Representatives of a free people, not beneath the stars and stripes which float from the dome of our Capitol, that our systems of self-government in the great North-west have all been incomplete, because they have been prohibited from establishing slavery there. This great national movement of the gentleman, then, is *self-government for the Territories*; which, according to that gentleman, means to govern others, not ourselves. Under the sacred name of liberty we establish slavery; under the sacred plea of self-government we darken the bright domains of Kansas and Nebraska—upon which the stars of Heaven have, for six thousand years shined as free territory—with the pall of slavery. We ask for the right to send men into those fair regions—not free men—not human beings in the full proportions and God-like image of free men; but with the limping, halting gate of slaves and bondmen. This, sir, is the great national movement of the age. It was the boast of the Irish orator, that the moment a slave put his foot upon British soil, his chains and shackles fall, and he breathed the air of emancipation; but it is to be our boast, it is to be the ensign of our progress, that we have set aside the law which made our soil forever free, and given full license on that soil to establish slavery. The gentleman's progress is a fearful step backwards. Washington, and Jefferson, and many of the signers of the Declaration of Independence, and many of the framers of the Constitution were slaveholders, but they were the purest minded men of any age or clime—the *picked* men of the world, and seeing the wrong and evils of slavery, they denounced it as the supreme curse of the country, and they left on record an imperishable monument of their detestation of slavery. They imposed a duty on the importation of slaves, and provided for its prohibition altogether in a limited period after the adoption of the Constitution; and from the first territory acquired by the United States, and from all the territory then owned, they prohibited slavery by the ordinance of 1787.

But, sir, Washington, and Jefferson, and Franklin, were, I suppose, all *Old Foggies*; and, not understanding the great principles of self-government or squatter sovereignty, in their blindness, deprived the people of Ohio, Indiana, Illinois, Michigan, and Wisconsin, of the great blessings of that peculiar self-government for which Young America, in this age of Christian and enlightened progress, now contends. The error of the gentleman from Georgia consists in the confounding of right and wrong, and in denying to one class all rights, natural and civil. I maintain that, as slavery is a violation of natural right, of every law, human and divine, and involves the great wrong of giving to one man the labor of another, sunders the dearest of human ties, separates the husband from the wife, and the father from the

child; therefore, I say that to insist upon the right to establish slavery as an act of self-government is the veriest absurdity, and that the exercise of such a right, so far from being the act of self-government, is the act of absolute despotism.

Mr. Chairman, I am in favor of giving the people the broadest latitude in deciding every question for themselves, consistent with the Declaration of Independence, the Constitution of the United States, and the well-defined principles of free government. And, sir, if Kansas were a separate empire, in no way connected with us, or bound to us, then, according to our policy of non-intervention in the affairs of other nations, while we might deeply deplore, we could not interpose against, the establishment of slavery, the existence of polygamy, or the legalization of any institution however variant from our form of government, at war with human rights or the genius of our civilization. But these Territories are united to us by the closest relations. They belong to us—the people of all the States—and they propose to come in as partners in our great American partnership, and as States in our great brotherhood of confederated Commonwealths. And is it nothing to us what institutions they may have? Is it nothing to us that they propose to establish an institution which places the weak in the power of the strong, an institution which, from the beginning of our national existence to the present hour, has been, and still continues to be, almost the only element of antagonism and of disturbance in our midst, and which statesmen look forward to as the only rock upon which our noble ship of State may be stranded.

Gentlemen seem to forget that the Territories are not sovereign, that the Constitution imposes upon the General Government the paternal duty of providing for their wants, and supervising their legislation; until the sovereignty of Congress ceases, and that that sovereignty ceases only with the admission of the Territories into the Union as States. Thus, and thus only, the power of the General Government ceases, and State sovereignty rests—and then the State, in the full exercise of that sovereignty, may establish its own institutions, and is responsible in her sovereign capacity to the world and to God, for any infraction of the great and inalienable rights of man.

We have an interest, because we want the Territory of Kansas as a home for our white laboring classes. The Territories north of Texas, and west of Missouri, and the valleys between the Sierra Madre and Sierra Nevada mountains are the heart of the North American continent. There, bright streams and broad and noble rivers flow; fertile savannas, adapted to the cultivation of grains, fruits, and grapes; temperate and salubrious climate; forests cleared by the hand of nature, and rich prairies ready for the plow; coal, minerals, mountains, and lakes of salt, capable of sustaining the densest agricultural population, and to be the great continental thoroughfare through which is to pass the commerce between the two oceans, and the occidental and oriental worlds. Now, if these things be so, if these fair Territories are yet to be the center and heart of the continent, shall we tamely surrender them to polygamy, or to slavery, or to other institutions subversive of the great principles of justice, liberty, and right, or shall those delightful regions be the future home

of a race of freemen, successfully and gloriously carrying out our great experiment of humanity and self-government? If slavery is permitted there, it is, in effect, saying to our fifteen millions of laboring men of the free States they shall not go there, for they will not go to a State where their labor is to be cheapened and degraded by a competition with slave labor. The last census clearly shows that slavery drives the poor white man out of the States where it exists to the free States, and that the emigration from the slave to the free States is three times greater than from the free to the slave States. By the repeal of the Missouri compromise, the high wall erected by patriot sires and patriot hands was leveled to the dust, and the fair domain upon which freedom had fixed her hopes, and where freedom had hoped to find a home, is to be the abode of slaves and bondmen. As a friend of free American labor, I am utterly opposed to all such schemes to make slave territory of that which our fathers, by a solemn compact, dedicated to freedom.

The gentleman from Georgia is bold enough to array statistics to prove that one slave State, out of the whole number, has arisen superior to the difficulties by which she is surrounded, and to compare her progress with those of the free States. Let me say to that gentleman that his State is an exception to the South; she manifests some spirit and enterprise akin to those of her sister free States. It is highly creditable to her that the indomitable energy and unfaltering public spirit of her citizens has borne her onward on the tide of prosperity in spite of her slavery. But let me say to him, had she pursued that policy which the wise and good men who founded her colony and administered her early affairs advocated; had she eschewed slavery, and relied upon the hardy arms of free white labor, where now she grows her one bushel of wheat, she would grow her two bushels; and where now she has her one thousand miles of railroad, she would have her two thousand. It is not in one of the free States, but in all the free States, where the life-inspiring and energizing power of free labor has carried commerce to its full development, and successfully prosecuted all the arts of industry and peace.

In 1831, I removed from the State of Kentucky to the State of Illinois. At that time Kentucky had a population of six hundred and ninety thousand souls; Illinois was then almost a wilderness. A few counties in the State were thickly settled, but the prairie, for the most part, bloomed in its native wildness. The settlements were confined to the forests which skirt her water courses, or were hugging closely around the groves which intersperse her prairies. And now, sir, in the brief space of twenty-three years, Illinois, under the giant power of free labor, has marched up to the side of old Kentucky, and while Kentucky has but ten Representatives on this floor, Illinois already has her nine, and in the next decade will, in all probability, have twice the number of her sister State of Kentucky. Is not the comparison fair? Where is the State of richer soil, of braver hearts or stouter hands than those of old Kentucky?

We are interested, also, upon the score of equal representation in the Government. While we acknowledge the constitutional obligation to suffer the representation of slaves in our Federal Legis-

lature, so far as the original States are concerned, yet, sir, we never agreed to adopt this principle as to subsequently acquired territory and newly admitted States. The State of Maine has twice the white population of the State of South Carolina, and a fraction 7.350, and yet, sir, Maine and South Carolina each have an equal number of Representatives on this floor. Will the free States willingly submit to the establishment of a system in our Territories, which will make one man in a slave State the equal of two in a free State, which destroys our political equality, and dwarfs down the citizens of our northern free States into the mere fractions of men.

I wish now to make a remark as to the purpose which it was avowed was to be carried out by the principles of the Nebraska bill. The plea for that bill was that the Missouri compromise had to be repealed to carry out the policy and principles established by the compromises of 1850, especially in the Utah and New Mexico bills. Have they done this? Now, sir, under the Kansas bill, the people of the Territory may, at any time, as soon as a Territorial Legislature is elected, establish or prohibit slavery; and yet, sir, the Territories of Utah and New Mexico were precluded from the exercise of any such power, until they come to form their State constitutions, preparatory to their application for admission into the Union. This was the principle established in 1850.

But, sir, the Kansas bill and its advocates went further, and empowered the people of the Territory at any time to establish slavery. And it is understood now, is it not, that the Legislature of Kansas may establish slavery at any time?

Mr. KEITT. Yes.

Mr. YATES. Then, sir, here is a greater power conferred on the Territories than upon the people of any one of the sovereign States of the Union. The different State conventions were afraid to trust so important a power to their Legislatures, and slavery cannot be established now in Illinois, or any other State, without calling a convention and changing her constitution—her organic law.

Mr. KEITT. Did not the people of Illinois themselves make that organic law to which he alludes, and did they not by that organic law restrict the Legislature? Congress had nothing to do with it.

Mr. YATES. Yes, sir, the people of Illinois made that organic law, but they were required to do so by Congress—by the ordinance of 1787. But the point I make is this, that there can be no doubt of the power of Congress over the subject of slavery in the Territories during the Territorial existence, or until those Territories come to make their organic law, and to exercise the powers necessary to constitute them sovereign States.

Again, the legislation of 1850 expressly provided that every act of the Territorial Legislatures of Utah and New Mexico should be first submitted to Congress for its approval or rejection. But, sir, this provision is omitted in the Kansas bill. The Legislature of that Territory may establish, by law, polygamy, slavery, or any other wrong institution, but Congress has no supervisory power or control over any such law.

But, again; the principle established by the acts of 1850 was, that in Territory from which slavery

was excluded by positive law, Congress would not repeal that law, so as to give slavery the right to enter previous to the time of the establishment of a State constitution. The strongest ground urged by Mr. Webster against the application of the Wilmot proviso to the Territories of Utah and New Mexico was, that there was no necessity for such application, because those Territories were already free by the acts and edicts of the Mexican Government. And I am prepared to show, upon the authority of Senator DOUGLAS, as late as January 4, 1854, that to repeal the Missouri compromise would be a departure from the principles contained in the acts of 1850. When Senator DOUGLAS, as chairman of the Committee on Territories, first introduced into the Senate his bill, it was silent on the subject of slavery, and said not a word on the subject of the repeal of the Missouri compromise. He accompanied that bill with a report, and in that report he gives his reasons why the bill did not repeal the Missouri compromise. In that report he says:

"Your committee do not feel themselves called upon to enter into the discussion of these controverted questions. They involve the same grave issues which produced the agitation, the sectional strife, and the fearful struggle of 1850."

"Congress deemed it wise and prudent to refrain from deciding the matters in controversy then, either by affirming or repealing the Mexican laws, or by an act declaratory of the true intent of the Constitution and the extent of the protection afforded by it to slave property in the Territories; so your committee are not prepared now to recommend a departure from the course pursued on that memorable occasion, either by affirming or repealing the eighth section of the Missouri act, or by any act declaratory of the meaning of the Constitution in respect to the legal points in dispute."

Now, Mr. Chairman, here Senator DOUGLAS informs us that, as in 1850, Congress refrained from repealing the Mexican law by which slavery was prohibited in the Territories of Utah and New Mexico, so now (on the 4th January, 1854) it would be a departure from the principles of the acts of 1850, to repeal the Missouri compromise, which prohibited slavery in the Territories of Kansas and Nebraska. And yet, sir, in nineteen days from that time, on the 23d day of January, 1854, we find the Senator introducing into his bill an amendment repealing this same Missouri compromise; and thus violating the principles of the acts of 1850, which he professes to be so anxious to carry out. Thus I have shown that the principles of the Kansas bill are in every material aspect, variant from the principles of the acts of 1850. The plea that the object of the repeal of the Missouri compromise was to carry out the principles of the acts of 1850, is, then, a mere hollow and hypocritical pretext; a pretext which I have exposed; and I leave it, sir—the whole fraud—exposed to the sunlight, and palpable to the simplest comprehension.

Mr. Chairman, where is this doctrine of popular sovereignty to lead to? If Congress can have no control over the institutions of the Territories, and if she is bound to admit into the Union every Territory which presents a constitution republican in its form, what, sir, is to be done with the Territory of Utah, when she knocks at the door of Congress for admission into the Union?

A new paper has just been sent in the city of New York entitled "The Mormon," and the first number of which has been sent to each member on this floor, from which I read the following extract:

"We are not ashamed to proclaim to this great nation, to rulers and people, to the President, Senators, legislators and judges, to high and to low, rich and poor, priests and people, that we are firm and conscientious believers in polygamy, and that it is *part and parcel of our religious creed.*"

Now, sir, if each Territory is to have the unrestricted right of deciding for itself what its domestic institutions shall be, then we are bound to receive into this Union Utah with a constitution, or laws, or usages, tolerating polygamy. Here, sir, is an institution which is at war with the genius of our laws, our civilization, and Christianity; which virtually annuls the Bible-taught and Heaven-ordained institution of marriage itself; a crime more destructive to the morals and well-being of society than the crime of larceny, than horse-stealing, or highway robbery. It was highly gratifying to see Congress at this session, by its vote on the bill to make donations of the public lands to Utah, stamp with the seal of its reprobation this embryo outrage. And Congress will prove derelict to itself, to the country, and to the civilization of the age, if it does not promptly rebuke and suppress this crime of polygamy. Let the people of Utah understand, now and forever, that if they propose, under the sanction of law or usage, to practice an immorality which is shocking to the sense and moral feelings of the civilized world, that they must seek another Territory in which to do it. I am not in favor of making any Territory of the United States which proposes to come into this Union, a brothel. Let Utah understand, that if she expects a dollar from the Federal Treasury, or an acre of the public lands, that she must deport herself with the decency and propriety which become a civilized and Christian people. And I now wish to say, that should I happen to be a member of this body when Utah presents her constitution preparatory to her admission into the Union, I shall vote against her admission if that constitution, or her laws, or her usages, tolerate the beastly and prostituting crime of polygamy. Unless she clears her skirts of this crime, I would keep her out of the Union forever. As the guardian of the Territories, it is the duty of Congress to provide against the existence of that institution in that Territory, and thus save that Territory from the pauperism, and misery, and the depreciation of public and private virtue, which, if not provided against, is to leave a lasting impress upon that people to the latest posterity.

The gentleman from Georgia says that this principle of squatter sovereignty is right, and ought "to prevail universally wherever the American flag floats;" that every community ought to have the uncontrolled right to make just such laws and institutions as may suit them. Now, sir, I believe slavery ought to be abolished in the District of Columbia. The Metropolis of a great nation like ours should be free; the footsteps of no bondman should tread the soil which is dedicated as the capital of a nation, whose struggles for existence were conducted under the sacred name of liberty, and whose high mission is to establish the great principles of human equality, to vindicate the rights of man, and to prove the great problem of humanity—the capacity of man to govern himself. No human being in slavery should ever be permitted to gaze upon our flag, and shake his chains and shackles in mockery of our system of boasted equality. Now, sir, entertaining these sentiments,

suppose I were to introduce a bill providing that, at the next election for municipal officers in Georgetown and Washington, polls should be opened in every ward, and the people of the District should be left perfectly free to decide, in their own way, at the ballot-box, whether slavery should longer exist in the District? Would the gentleman from Georgia vote for it? Sir, should I bring in a bill referring the question of the existence of slavery in this District to a vote of the people, I should be denounced the land over as an agitator, a fanatic; and, instead of being considered thereby the friend of popular sovereignty, I would be deemed as a deadly foe to the peace, concord, and welfare of the country; while, on the other hand, the gentleman who proposes to abrogate a solemn compact, which makes a Territory free, and to open that Territory to the incursions of slavery, is to be hailed as a national man, a Union man, and the great champion of popular sovereignty!

Mr. KEITT. I would ask the member from Illinois whether he would or not vote for a bill remitting to the inhabitants of the District of Columbia the power to determine the existence of the institution among them? And whether, if they voted for its abolition, he would vote for the bill on the ground of the right of the inhabitants of the District?

Mr. YATES. Mr. Chairman, I never yet said that I was in favor of *unrestricted* popular sovereignty in the Territories; but I do believe that slavery ought not to exist in this District. I believe that Congress has the same power over this District which the Legislature of the State of Illinois has over that State—complete and plenary sovereignty in the management of all its civil policy. Hence, I believe it has power to abolish slavery in the District of Columbia, and should a bill be introduced into Congress submitting to the people to decide whether they would have slavery, I should vote for it. But I wish to state further, that should that vote result in the emancipation of the slaves, then I would also be in favor of Congress paying, to the full value, for every slave in the District. I am not in favor of injustice. The question I ask is, whether these gentlemen would be in favor of carrying out this principle of popular sovereignty? They tell us that self-government, that popular sovereignty should prevail wherever the American flag floats. That was the language of the gentleman from Georgia. Are these gentlemen in favor of the people of this District deciding the question for themselves? For surely your flag floats here, or ought to float here, as proudly as anywhere else. Ah, Mr. Chairman, here is the man. Whenever it is proposed to make slave territory out of free territory, then popular sovereignty is a sweet and delightful thing.

Mr. KEITT. I would ask the member from Illinois whether, whenever free territory is to be made out of slave territory by vote of the people, he is not for popular sovereignty?

Mr. YATES. That takes me out of the line of remark that I intended to make, but I will answer the gentleman. And I affirm, sir, that in my estimation, there is a clear distinction to be drawn as to the objects and powers of our Government, and that, according to my view of the case, our Government may properly and constitutionally go to almost any point in promoting the great principles of freedom, but cannot go one step towards

the establishment of slavery. Hence, sir, I contend that the Nebraska bill, repealing the law by which slavery was already prohibited in the Kansas-Nebraska Territory, and opening that Territory to the incursion of slavery, was directly at war with the genius, objects, and mission of our Government.

I cannot better illustrate my meaning of the doctrine of popular sovereignty than by referring to a democratic principle which was evolved by the Revolution. The great principle was then decided that taxation and representation should go hand in hand; and yet now, that principle is totally subverted by the Kansas-Nebraska bill. For, sir, all the States—the people of all the States—are taxed in the purchase of our Territories, in erecting public buildings for the Territories, in paying the salaries of their Legislature and all their public officers, and in defraying all the expenses of their territorial governments; and yet, sir, the people of all the States, though thus taxed, are to have no voice in the affairs of the Territory, and must tamely submit to the establishment of any institution, whether it be slavery, polygamy, cannibalism, or other wrong thing, which a few first settlers may deem it proper to impose.

Mr. KEITT. I do not wish to be unkind to the gentleman from Illinois, but was he not an anti-Nebraska candidate at the last election, and defeated?

Mr. YATES. I thank the gentleman for the question, and I reply, I was a candidate, and was defeated. But, sir, my district is largely against me in politics. It gave General Pierce nearly twelve hundred majority, while I only was defeated by the meager majority of two hundred votes; and those conversant with the facts, I believe, would inform you, that but for local divisions in two of the counties in my district, I should have been returned here by a handsome majority.

Mr. Chairman, we are now at a turning point, a crisis in the history of the American people; and the action of the next Congress will decide the question whether slavery or freedom will be the dominant policy of the Government. If the next Congress shall fail to restore the Missouri compromise on the statute-book, then, sir, we may from that time date our Government as the avowed apologist for slavery, and need interpose no further barriers to the aggressions of the slave power; they will be vain. The triumph of the slave interest now, is its triumph forever. It is not enough that since the formation of the Constitution of the United States, nine slave States should have been brought into the Union, while only eight free States have been admitted; it is not enough that free States quietly submit to non-intervention as to slavery in the slave States; it is not enough that they yield their coast, though a reluctant one, to slavery in this District; it is not enough that the free States should be made to do the servile work of arresting and returning the poor fugitive, who is in the pursuit of freedom, to slavery; that the sacred rights of Magna Charta, trial by jury, and of habeas corpus, should be denied him; it is not enough that our officers should be paid a higher fee for deciding against a slave than for him; and that northern courts should be made the unwelcome instruments of sending back the slave to chains and hopeless bondage—out the Territories, which are the property of the whole

people, are now to be declared open to the incursion of this blighting evil.

After the free States had yielded to the masterly and persuasive eloquence of Mr. Clay and Mr. Webster, and consented to the adoption of the compromises of 1850, under the conviction that the fearful controversies of the slavery question would be forever put to rest, and the acts of finality and conciliation were ratified by both the great national parties, and by the people in almost every section, still southern slavery and northern servility were insatiate, and under the false and fraudulent pretense of carrying out those compromises, unsettled and broke them up by a death blow at the very finality they had established. Even yet slavery must have more power, more extension, more patronage. Freedom had been written by the Missouri compromise on the soil of Kansas, on her hills and valleys, on her prairies and noble streams, on the sky above and the earth beneath, and Kansas, like our Northwest Territory, was, in all time to come, to be the enduring and happy home of freemen, free labor, and free institutions. But, sir, even that sacred compact was no obstacle to the demands of the slave power, and ruthless and reckless hands have been laid upon it, and slavery now goes undisturbed to occupy those fair and delightful regions.

And, sir, now slavery has its longing eye on California, on Utah, and New Mexico. She is calculating on four slave States in Texas. Cuba looms up in her vision, and is to be considered cheap at any number of millions of dollars capable of enumeration. Mexico and Central America are also in the prospect, and overstepping the barriers of the continent, her insatiate eye is regaling itself on the States of the southern continent. But, sir, that we may further discern the signs of the times, look at the things which are passing before our eyes. During the last session of Congress, some of the distinguished men of the South, in both political parties, have gone so far as to maintain that slavery was a positive good; that it was Bible-taught, and Heaven-ordained; that it is a political, social, and moral blessing; and to be consistent, they not only advocate its extension into the common Territories of the United States, but many have gone so far as to advocate the repeal of all laws for the suppression of the African slave trade. This startling proposition has been broached even in the Senate of the United States. Leading papers of the South, the Richmond Examiner, and Charleston Mercury, have taken open ground in favor of the African slave trade; yes, sir, in favor of the revival of that trade which is now, by the laws of the United States, declared to be piracy, and is deservedly punished with death, and is regarded with horror throughout the civilized and Christian world.

Yes, Mr. Chairman, the question now rises up before us—a present question, not to be avoided, but to be met—whether slavery is to be nationalized; whether the spread of slavery is to be the chief concern and leading policy of this Government; whether it is to have the political ascendancy in the Government; whether it is to be the figure-head of the ship of State, and whether a trade of unequaled barbarity, shocking to the senses of mankind, is to be revived under the full sanction of our General Government?

Mr. Chairman, when such were the phases of

the slavery question presented to the people of the free States during the last elections, is it a wonder, sir, that they gave such unequivocal expressions of their condemnation of the repeal of the Missouri compromise? Why, sir, the people of the free States voted against the repeal of that great law of freedom as naturally as water flows to its level or the sparks fly upward. No power, however great, can subvert the eternal laws of nature. And, sir, no names, however distinguished, or party, however powerful, can suppress the God-given impulses of the human heart in favor of liberty and humanity. The sentiment of opposition to slavery in the free States is a God-given and God-implanted sentiment. A man like the Senator from Illinois, the leader of a powerful party, may do much; an Administration, with one hundred thousand offices at its disposal may do much; but woe to them, if they ask American freemen to lay their consciences in the dust; and to vote for slavery. The false and delusive cry of popular sovereignty may deceive some, but the thinking, unprejudiced, and uncowering masses saw no other reason in the repeal of the Missouri compromise but the extension of slavery, and the ballot-box has written a fearful sentence upon the ill-advised attempt to trample in the dust a sacred compact, and to extend the area of human bondage.

The earliest impressions of my boyhood were that the institution of slavery was a grievous wrong, and with riper years that sentiment has become a conviction deep and abiding, and I should not be true to myself did I not oppose this institution whenever I can do so consistently with the Constitution of my country. And here upon these declarations, now in these the last days of my congressional career, I plant myself, and shall abide the issue. And, sir, I have no fears for the future—in the clouds of the present I see “the brightness of the future.” This sentiment of opposition to slavery is a growing, a rising sentiment; it is the sentiment of the Declaration of American Independence, and it will stand bold, dominant, defiant, and rising and flaming higher and higher, as long as that proud charter of American liberty shall endure, or freedom find a home in the human heart.

Mr. Chairman, I am no statesman. I arrogate no such claim; but were I called upon to point out a public policy for my country, I should adopt, as great cardinal principles—

1. No interference by Congress with slavery in the States.
2. No further extension of the area of slavery.
3. No more slave States.
4. The abolition of slavery in the District of Columbia, and wherever else it can be constitutionally done.
5. The rights of trial by jury and *habeas corpus* in all cases, and in the State where the arrest is made, as well as in the State from which the escape is made.
6. A home on the public domain for every landless American citizen, American or foreign-born, upon condition of actual settlement and cultivation for a limited period.
7. The improvement of the harbors of our lakes and the navigation of our rivers by appropriations from the Federal Treasury.
8. A tariff for revenue, with incidental protection, and *specific duties*, discriminating in favor of

articles the growth and manufacture of our own country.

9. Liberal donations of the public lands for the construction of railroads, securing to the Government the full price for the same by reserving alternate sections and doubling the price therefor.

10. A more just and humane policy towards the Indian tribes, surrounding them with the influences of Christianity and civilization.

11. The encouragement by liberal appropriations from the Treasury, and donations of public lands for agriculture, the mechanic arts, and sciences.

These, sir, are the leading features of a public policy, which would speedily crown our nation with prosperity and glory, far transcending every people of ancient and modern times.

SPEECH OF HON. RICHARD YATES,

DELIVERED AT THE REPUBLICAN RATIFICATION MEETING, OF THE CITIZENS OF
SANGAMON COUNTY, IN THE HALL OF THE HOUSE OF REPRESENTATIVES,

SPRINGFIELD, JUNE 7TH, 1860.

Hon. Richard Yates, Republican candidate for Governor, on being introduced to the audience by the chairman, Capt. Jas. N. Brown, was received with a cheer that made the whole State House ring. He spoke at first with difficulty and in a very moderate tone, evidently from the effect of previous labor on the stump. As he warmed, however, his voice swelled to its usual full, sonorous tone, and he proceeded with his characteristic vigor.

He spoke as follows:

My Fellow Citizens: Your worthy chairman, Capt. Brown, on taking his seat, said in eloquent language, this is a proud day for old Sangamon. And is it not a proud day, a glorious day, a day of cheering, a source of unbounded delight to every citizen of old Sangamon. ["Yes," "yes."] Yes, fellow citizens, you are highly honored, for Springfield, the county seat of old Sangamon, is the home of the next President of the United States. [Applause and cries of "good," "good."] "

THE GENERAL ENTHUSIASM.

Fellow citizens, it is not here alone, but through the length and breadth of the State of Illinois, from the pure waters of the Wabash, to the banks of the Mississippi—from Cairo to Dunleith, the same interest and the same enthusiasm, is to be met, which I see manifested here to-day. It was but Saturday that we had as large or a larger crowd than this at Lincoln, in Logan county. It was but yesterday that the people of Macoupin turned out by thousands at Carlinville. We can speak fellow citizens to the people by the acre, but when we have to speak to them by the five and ten acres, the voice falters and fails.

THE NOMINATIONS.

I understand, as your chairman has said, that the object of this large gathering of the people of Sangamon and the adjoining counties, so far as they are present, is to ratify the nominations made at the National Republican Convention at Chicago, and the platform there adopted. I give you joy my fellow citizens—I congratulate you my friends, of all political parties—Demo-

crat, as well as Whig or Republican, upon the fact that that convention has presented to you a platform, patriotic, conservative, national, broad enough for all good men to stand upon, in every section of this great Union—North and South, East and West; and fellow citizens I have not the least doubt that that platform of principles will receive the triumphant vindication of the American people. [Applause.]

THE NOMINEE.

I rejoice also fellow citizens, that that Convention has presented to you a ticket worthy of your entire, undivided support. They have presented to you, as a candidate for the Presidency of the United States a man whom you know personally, know to be an honest man, an incorruptible patriot, a man whose broad and statesman-like views, noble character and high abilities, have enabled him to receive this nomination in preference to some of the greatest statesmen of this nation, or any other nation; and fellow citizens, from the manifestations of public approbation which are everywhere made throughout the length and breadth of this land, I have no hesitation in saying that the candidates there nominated will be gloriously, triumphantly elected [great enthusiasm, and cries of "Hurrah for Old Abe."] In fact, fellow citizens, when to-day I had the honor in this hall of taking the hand of Abraham Lincoln, I felt confident, yes, perfectly sure that I was shaking the hand of the next President of the United States, [loud applause,] and not only that, ladies, and gentlemen, but I somehow or other had the feeling that honest Old Abe had the honor of shaking the hand of the next Governor of Illinois. [cheers and laughter.]

WHO IS ABRAHAM LINCOLN?

Now, fellow citizens, it may strike you as rather a strange matter that the people of so great a nation as this should come to Illinois for its President—that the mighty Republican party should look to this far-away Prairie State for its standard bearer in such a momentous contest. If you are surprised at this—if you are surprised to find such a man in your very midst, it is because you have been in the habit of looking

at him as men look at mountains who live close at their bases, losing sight of their grand outline, unaware of the majestic pile that towers almost over-head, while those at a distance measure all its great proportions with just admiration. We do not reflect that no splendor of eloquence, no power of argument, no combination of shining qualities can make a man more than a man, and we expect to find these qualities only in a sort of superior being to ourselves. Yet, I say here to-day, that I have heard the great men of this nation north and south, east and west, for four consecutive years in the Hall of the House of Representatives, and in the Senate of the United States—I have heard the Stephens and Toombs of the South, the Searles, Chases and Corwins of the North—I have heard the most renowned orators on the floor of the Senate and House daily for years; and I say here to-day, that for clearness of statement, for penetration of thought, for power of irresistible logic, for broad, comprehensive, statesman-like views, for exalted purity of private and public character, your own Abraham Lincoln is the clearest, noblest, purest and best of them all. [Great and prolonged applause.] In the history of his life—in all the elements which inspire with enthusiasm the hearts of the masses of mankind and rouse the millions to action, I stand up here to-day in this the Capitol of the State and in the presence of my countrymen to say that the name of Abraham Lincoln is this day and hour the mightiest name upon the continent of North America. [Prolonged cheers.]

WHY ARE WE HERE?

We have not come here, fellow citizens, to rejoice over our Democratic friends, because that party is disbanded, because it is belligerent, because it has broken up at Charleston and gone into liquidation [laughter]; and because we are a harmonious, united and powerful party marching onward with our banners full high advanced to glorious triumph—not at all. We come to speak to all American citizens, whatever may have been their political antecedents, to present to them the platform of our principles; we come to argue, to reason with them to-day in the spirit of kindness and conciliation; to say to them that we believe freedom is better than slavery, that free territory is better than slave territory; we come to present to them our views and plans and arguments in favor of free homesteads upon our broad public domain; we come to utter our voice for the Pacific Railroad—that great continental thoroughfare between the Atlantic seaboard and the Pacific Ocean; we come, too, heart and hand in favor of that argument embraced in our platform for the preservation forever of the union of these States; we come to show them that the party to which they have belonged, the Democratic party, has been rent in twain by the irrepressible conflict of Northern and Southern opinions—that both the Northern and the Southern wings of that party entertain sentiments hostile to the best interests of our

country, and destructive of those glorious free institutions which have been transmitted as a priceless legacy by our fathers to us their children. [Applause.]

THE DISCORDANT ELEMENT.

Now, the only element of antagonism and discord among us, from which any danger has been apprehended to our free institutions in this country, is this very element and question of slavery. That question is no respecter of persons, or organizations, political, civil, moral or religious. It laid its iron grasp upon one of the most extensive and powerful of the religious denominations of this country, and rent it in twain, running a Mason and Dixon's line between brethren and Christians. In 1854 it laid its mighty hand upon that once powerful political organization, the old Whig party, and by the attempt to repeal the time-honored Missouri Compromise, that party which had stood the shock of so many defeats and the wear of so many years uninjured, was rent asunder and destroyed. And recently in the Democratic Convention at Charleston, the same irresistible hand was put forth, the same element of discord appeared, and it rent violently in twain that once proud, powerful and victorious party, scattering it into fragments which can never, never again be re-united—and so the Democratic party passed away with a great noise. [Great applause and laughter.]

THE DEMOCRATIC PARTY.

Now, if time permitted, and I had strength of voice and body, I would attempt to present briefly the present position of that party, and their guiding principles, so far as they have any principles; and I would compare them with the principles of the Republican party, that we might see the relative positions of the two great parties that are now presenting their candidates for election in November, 1860.—In speaking of the Democratic party and its principles, I wish it most distinctly to be understood, that I do not refer to that glorious old Democratic party of which General Jackson was the war-horse and chieftan—that old party, whose motto was "Equal Rights and Universal Freedom," [applause] upon whose banner was inscribed the flaming words of "Liberty, Equality, and Fraternity;" whose triumphal march to power was over the wrecks of prostrated banks, chartered monopolies and favored classes, whose devotion to the Union was so great as to be sealed by the great oath of their chieftan, "this Union must and shall be preserved." [Renewed applause.] Although a Whig, I regarded that party as earnest, firm, consistent, patriotic, never giving an inch, never giving ground even to John C. Calhoun, or to any of the pro-slavery nullifiers and disunionists, north or south.

But, fellow-citizens, with General Jackson died that Democratic party, and since his departure from the seat of power, it has descended through the Van Burens, and Pierces, and Buchanans, until now it is proposed to place the sceptre of presidential power in the hands of

mere political dwarfs. [Cheers and laughter.] And the principles of that party—good heavens! what mortal man shall now attempt to describe the principles of the Democratic party of 1860! [Renewed laughter.] The confusion around the tower of Babel affords but a feeble illustration of the confusion worse confounded that reigns in the piebald and ring-streaked and striped, the diverse and conflicting; the slave-driving and polygamy-nursing, the died-in-the-wool and sold-to-the-cotton, Locofoco party. [Roars of laughter and cheers.]

THE CHARLESTON CONVENTION.

Why, recently, after a great flourish of trumpets—after traveling many hundreds of miles, by land and by sea, away down to Charleston—after a convocation of the sachems or wise men of the party, and an anxious deliberation of ten days to find out their principles and throw them into a platform which might be adopted by the party, they failed to find out what is the true Democracy, and came away unable to tell what they were there for! Why, the Secretary of this meeting, or any intelligent Republican farmer or mechanic who hears me, could write out a platform of Republican principles which might be adopted by a Republican National Convention; because Republican principles are clearly defined, and thoroughly understood.

But fellow citizens, all these sachems of the Democratic party, after trying desperately for ten days to discover what they were there for, what were the real Democratic principles, had at last to adjourn without candidate or platform.—They have no platform and no candidate; or we may say they have two platforms and a dozen candidates, or half a dozen candidate swith as many platforms. I confess I do not know how to fix it. Modern Democracy is a problem and I leave you to fix it for yourselves [laughter.]

VARIETIES OF DEMOCRACY.

They were not only divided between the North and the South, but there were a variety of divisions. In the first place, there was the party in favor of the Cincinnati platform with the construction of Squatter Sovereignty or Popular Sovereignty, or whatever name you may call it; that meant, leave the nigger to the people.—That was the Cincinnati platform. Another division were in favor of the Cincinnati platform and the Dred Scott Decision; that was a little more nigger; that is to say they were in favor of the Cincinnati platform which said the people of a territory might regulate the question of slavery for themselves, and also in favor of the Dred Scott Decision which declared that they should not regulate it for themselves; which said that no power is conferred by the Constitution of the United States upon Congress, nor is there power in a Territorial Legislature to prohibit or to establish slavery. This you will perceive was a little more nigger [laughter.]

Then there was a third party, which was not only in favor of the Cincinnati platform and the Dred Scott Decision, but also in fa-

vor of the revival of the African slave trade and a congressional slave code for the territories; for the acquisition of Cuba, Northern Mexico, Central America, and the unlimited recognition and expansion of slavery wherever the American flag floated or could ever float, either upon land or sea. This party, as I understand it, was all nigger. [Great cheers and laughter.] At all events they spoke about nothing else. They said nothing about free homesteads for the people—or any other similar branches of legislation. The only discussion—at least the main discussion by this great party in council was the negro question.

DEMOCRATIC INCONSISTENCIES.

But this is not the only difficulty. That party is not only divided into a Northern and a Southern wing; but we cannot find a single member of the Northern Democratic party who agrees with himself. Senator Douglas at Freeport tells us that slavery cannot exist in any territory or place until it is established by local law; yet, shortly afterwards, he tells the people of New Orleans substantially, that the slaveholder may take his slaves into any territory of the United States, just as he may take his horse or any other article of property, in defiance of any law either by the Territorial Legislature or by Congress. In his famous speech to the Grand Jury at Springfield, he says he is in favor of the Dred Scott decision—that the Supreme Court of the United States had the whole question of slavery before them and examined it in all its parts. He approves of that decision he says; yet by that decision the slaveholder may take his slave there and hold him in the territory without any power on the part of the people, or of Congress, to prohibit him. But, at Freeport he says that the people of the territories may prohibit slavery by unfriendly legislation. That is to say, they may set aside the Dred Scott decision; and a man who is sworn to support the Constitution of the United States and the principles of the Dred Scott decision, which the Democratic faith regards as equally binding with the Constitution, and a part of it; and having sworn this support, may, nevertheless, violate the Constitution, disregard his oath, and by acts of unfriendly legislation, passed by a territorial Legislature, prohibit slavery in the territory. [Applause.]

POPULAR SOVEREIGNTY.

But, there is another theory which is now dead. Popular Sovereignty died its death at Charleston! What was this popular sovereignty? We all recollect a certain clause interpolated into the Kansas-Nebraska bill to this effect: that the Missouri Compromise being inconsistent with the compromise measures of 1850 therefore the people of a territory are left perfectly free to form and regulate their domestic institutions in their own way—does it stop there? No. It proceeds: "Subject to the Constitution of the United States."

Now, gentlemen, I do not suppose that there is anybody opposed to genuine Popular Sovereignty fairly carried out and applied. We have

and it in Illinois. We have had and acted upon it, ever since our fathers fought the Revolution. It is no new idea. But according to this interpolation in the Kansas, Nebraska bill, the people were to be left perfectly free to regulate their domestic matters in their own way—how? "Subject to the Constitution of the United States."

Have any of you read the recent speech of Senator Benjamin on this subject, wherein he says the sole difficulty which has arisen in the Charleston Convention, originated in the discussion of this amendment when it was introduced in the Kansas Nebraska Bill. He says the same difficulty arose then; and that is the reason why the words, "Subject to the Constitution of the United States," were put in that bill—"That the people of the territories should be left perfectly free to regulate their own matters in their own way, *subject to the Constitution of the United States*." Now, the South contended that the Constitution of the United States, by its own vigor and by its own force, carried slavery into the territories in defiance of any power on the part of the territorial government or Congress to prohibit slavery.—On the other hand the friends of the Cincinnati platform in the North contended that the people of a territory had the power to decide the question of Slavery for themselves in their own way.

DOUGLAS' BARGAIN WITH THE SOUTH.

Mr. Benjamin says, substantially, they had a secret caucus in the Senate Chamber, in which Mr. Douglas was present, and in which they agreed that the North might take its view of the Cincinnati platform, and the South its view of the platform, until the Supreme Court should decide the question of whether the North or Southern view was right. But I ask you, my fellow citizens of the Democratic party, if Senator Douglas and his allies, when they returned home, told you of this bargain? Did they tell you, when they said you who lived in Illinois and desired to remain in Kansas, had as much sense there as here, and would regulate and control your matters in Kansas as well as in Illinois, should you see fit to go there? Did he then tell you that a bargain had been made by which it was agreed that this whole matter was yet to be decided by the Supreme Court of the United States, as to whether the people of a territory had the right to regulate this question in their own way? Did he tell you that when they inserted that clause "Subject to the Constitution of the United States," the Supreme Court was yet to put its construction upon those words? And did he tell you that there was a possibility that the Supreme Court might decide that the slaveholder could take his slave into the free territories of the United States as any other property, without any power on the part of Congress or the people of the territory to abolish it? Now, the bargain was made, signed, sealed and delivered by and between the Northern and Southern members of the Democratic party, by which it was to be left to the Supreme Court to decide whether the people of a territory had a right to decide the question of slavery in their own way. If Mr. Douglas and his allies really and truly when they returned home, they would say so. "We have submitted this case to the Supreme Court. We do not know what the people of a territory have a right to decide this question in their own way. The case is agreed to, given to the Supreme Court. We have submitted it entirely to them, and we must tell you, Democrats, that we don't know what the people of a territory have a right to decide slavery there or not. We do not know what construction the Supreme Court of the United States will put upon that clause in the Kansas Nebraska Bill, 'subject to the Constitution of the United States'."

That decision soon came around. It was a part of the programme arranged by Benjamin, and the rest of the pro-slavery extremists, that it should come around. Then the Supreme Court decided that every inch of American Territory even which Congress had, from the foundation of the Government, exercised unrestricted control, might now be taken and held by the slaveholders for their slaves, in defiance of the power of Congress, or any other power, to prohibit slave-

ry in those Territories. Here we see was the great fraud in this matter. We told you that there would be no Popular Sovereignty, that the people were deprived of the power to elect their Governor and Judges, and the power being left in the hands of the President to appoint them, this Governor would at the behest of a pro-slavery President, veto any act passed by a Territorial Legislature, and the people after all could not regulate it in their own way.

HOW IT WORKED.

Mr. Douglas was the herald, as he said, of a new principle; he was to give to the world a grand panoramic exhibition of the beauties and virtues of Popular Sovereignty; and Kansas was to be the theatre upon which the great exhibition was to take place. In the Congress of 1854 I heard Col. Benton, then full of years and full of honors, an old man and a sagacious statesman utter both the words of admonition and prophecy. He said: "Better keep the power in Congress than to have a bone of contention to the people of the Territory of Kansas for them to quarrel over, and to divide the whole country into two sections, arrayed against each other like two hostile armies on the field of battle." But no, the cry was "Popular Sovereignty," let the people govern themselves in their own way.

And now, after that has passed, we have been, fellow-citizens, that there has been less of that article of Popular Sovereignty in Kansas than upon any other part of the Territory of the United States. "That's so," and applause.—We, in Illinois, originally had this grand old Ordinance of '79, a Missouri Restriction older than the Constitution, and we were depressed that we had been deprived by that restriction of the blessings of Popular Sovereignty. Poor fools!—We thought we were enjoying all the blessings of governing ourselves in our own way, the largest Popular Sovereignty, until Stephen A. Douglas and his allies arose in Congress to destroy this law and sovereignty, namely, for imaginary illis, called Popular Sovereignty. But their experience in Kansas has proved it to be a burning and a cheat upon the people.—The South discovered it long ago, and at last the South have got their eyes wide open to it. And Popular Sovereignty, the fair and pleasing child, drew his last breath at Charleston, and was with one ceremony buried by Jeff. Davis and his associate pro-slavery Senators in the South, and his Northern dog-in-the-meat allies in the North in the vote taken in the Senate on the resolutions of the Charleston Convention the other day. Unfriendly legislation, that poor child, born or Free-press under the faithful application of the spurs of Old Abe, sickened and died at Charleston. We shall never hear of him again.

"Alas! poor wife, nor children more shall I behold,
Nor wife nor shared home!" [Much laughter.]

The truth is that the day Popular Sovereignty was born he had in him the disease that killed him, because "The people were to rule and elect to Mr. Douglas," which clause was to mean, "No 'give-it-up' principle." Popular Sovereignty, Unfriendly Legislation, Free-Press and the Democratic party, all went to the habitation of "Charleston," and Douglas died with them. ["Good," "good," and applause.]

MONSIEUR POPULAR SOVEREIGNTY.

The only Territory which I know of where they have had a fair specimen of Popular Sovereignty is in that remarkable Territory of Utah. [Laughter.] Here, I believe, you have had things in their own way. The Saints have had everything just as they wanted; in Congress has not raised a hand to interfere with their abominations. I understand that a bill to abolish polygamy has been voted against by your Democratic representatives, and voted down by Democratic votes in Congress, in order that the Saints might have all their own way on this vexatious question of polygamy—"subject to the Constitution of the United States." [Laughter.]

WHO REPORTS "MY GUN-BEAR FOR BANGS?"

There can be no question—no Democrat even will have the hardihood to deny that there is not a solitary member of the United States Senate with one exception the exceptions, who has not condemned it, and positively voted against this sword disease of Popular Sovereignty, which has been originated by Mr. Douglas and his free-trade party. It has destroyed the power of your party in the North. Where now are your Democratic governors and Members of Congress? Where is there a solitary free man in this broad Union that you honestly expect to carry for your candidate for President in 1860? "No one." And all this has been produced by the promulgation of this greatest cheat, and banking of the age, devised by a madman, rascally modern politicians to cheat and swindle the people, and to secure government to power. Can that party be now re-elected? I candidly ask the members of the Democratic party, can your party be re-elected? Where is the basis upon which it is to be done? What are the principles? Can you tell me today what are your principles, and what are the principles upon which all these intelligent elements can be re-elected? Is has been disabbed and broken up at Charleston. It is dead.

after a ten days struggle of Popular Sovereignty and unfriendly legislation. How can Judge Douglas now receive their nomination? If he holds to Popular Sovereignty, he has no party in the South, where they have unanimously condemned it. If he favors the doctrine laid down by the southern members of the Charleston Convention, and accepts a nomination on that platform, he is a traitor to his Democratic friends in the North, and every principle of honesty and right. I cannot see how the Little Giant can crawl out at that hole. [Laughter.] As Capt. Brown said, I hardly ever tell an anecdote, but let me allude to one by way of illustration—that of the old lady riding along Broadway in the omnibus. She observed an impatient young man, who had arrived to where he wanted to stop, jerking violently at the strap attached to the driver's arm. The first pull not being effectual he gave another jerk, and then another still more violent. The old lady could stand it no longer, and she said mildly but firmly, "My son, I don't think you can do that." "Do what?" said the young fellow. "I don't think you can pull that driver through that little hole." [Uproarious laughter and applause.] So with Judge Douglas, trying to get through between Popular Sovereignty and Congressional Protection, and reconcile both. I don't see how he can get out at such a little hole. [Renewed laughter.] I cannot see how he can with any consistency, go through a Democratic Convention.

THE CHARGE OF SECTIONALISM.

But, say the enemy, our party is a sectional party. I cannot say so much of them, for heaven knows, they have not got a section. [Laughter and applause.] Their once proud boast has become literally true—they know no North, no South, no East, no West—no any place. [Roars of laughter and cheers.] They charge us with sectionalism, because we have no representatives from the slave States. What is the reason we are not represented in the slave States? Why, I have a letter in my pocket from a gentleman in Louisiana, saying, that the platform adopted at Chicago, and the nomination of Abraham Lincoln is received with delight by many men in the southern States. [Great applause.] They expected to see William H. Seward nominated. So did the Democrats; and if we had been making a nomination to suit the Democrats, we should have nominated him. Why, he narrowly escaped a nomination at Charleston. The delegates to that Convention admired pluck and vigor, and liked better to have a straight forward, fearless man like Seward, better than a politician ready to ride every hobby, cheat every friend, and prove himself on all sides of all questions at once. [Loud cheers.] Old Josh Giddings told me at Chicago, that he didn't feel entirely safe himself; he was afraid he might get that Charleston nomination. [Great laughter and applause.]

To return—if we are a sectional party, what is the reason? It is because our principles are never read or understood at the south; because our Republican papers are never received there, and our speakers never heard. Only Democratic papers that vilify us, and Democratic speakers who misrepresent and slander us have a voice there. That is the reason—the only reason why we have no organized and powerful party in every southern State.

But this state of affairs is fast changing. What have I to say now? The people of the south have at last begun to understand the aims of the Republican party, and here at Chicago, at the great Convention, I am glad to tell you, we were met by delegates representing six of the slave States of this Union [applause], besides all the free States. There was glorious old Kentucky [applause], and Maryland and Virginia and other slave States there, [loud cheers], ready to unite with us in solid phalanx and testify their opposition to the extension of slavery, and in proclaiming with bold voices and brave hearts an undying fealty to the glorious Union of these States. [Great enthusiasm.]

THE HARPER'S FERRY BUGBEAR.

Mr. Douglas says, in one of his late speeches, that the teachings of the Republican party, as explained in their platforms, the speeches of their leaders both in and out of Congress, and the books and pamphlets of their writers and thinkers, have led to the commission of the Harper's Ferry crime in Virginia; and good, honest, quiet men, Whigs and Democrats, have been frightened by the bugbear that the Republicans are an abolition party, in favor of interfering with slavery in the Southern States. Yes, a distinguished Democratic Senator of the United States (Mr. Douglas) says that the Harper's Ferry crime is the direct, inevitable and necessary result of the teachings of the Republican party, and that large and suitable cells ought to be selected and prepared, in which these Republicans might spend the balance of their miserable lives for their warfare against the institutions of the slave States. This would be a very nice way for them to beat Lincoln and the two millions of Republicans whose standard-bearer he is to-day—to have their free utterances choked out and crushed, and their free limbs confined in dungeons, because they dare stand fast by the principles of the fathers of the Republic and the great doctrine of freedom, humanity

and equal rights, [great applause.] This would be a new expedient, and I am inclined to think it is the only way they can beat the Republicans again, [laughter.] Why, what are the principles of the Republican party? When a man calls me an abolitionist, and my party a sectional party—in favor of a warfare against the institutions of the South, I take out the platform adopted at Chicago and ask him to show me where and in what particular that platform is sectional—where it is said that we are abolitionists, and in favor of a warfare against the institutions of the slave States. There is the argument. Challenge a Democrat to the task, and he cannot do it. Why, my fellow citizens, there is a plank in that platform declaring expressly that the people of the free States shall not interfere with the people of the slave States. And this was the way this government was originally framed. When our fathers came to erect this glorious fabric, to frame this vast and complicated government, they turned over the question of slavery and every other domestic institution to the people of the States, to be regulated by the people in their unrestricted sovereignty; but as to the territory over which the whole people or the federal government had undoubted control and power to legislate, they solemnly declared, in a memorable ordinance, that the clank of no slave's chain should ever be heard there. [applause.]

THE IRREPRESSIBLE CONFLICT.

Take now the doctrine of "the irrepressible conflict." Mr. Seward did say, we are in the midst of an irrepressible conflict; it is a war of civilizations; a struggle of freedom against slavery. He said all that, and I will say, that is the truth. Every word he then said is true to-day; but recollect he then said, we propose not to interfere with slavery in the States, but to leave the question to the people of the States to regulate that whole matter for themselves, as they are now constituted. If any one will read Mr. Seward's speech at Rochester, or Mr. Lincoln's celebrated speech made in this hall on that subject, he will find that this very view has been contended for from first to last by the Republican party.

WHO IS RESPONSIBLE?

But, fellow citizens, what did bring about the Harper's Ferry crime? I think I can show you in few words. In 1854, when Mr. Douglas introduced his bill to repeal the Missouri Compromise, commenced that fearful agitation which has now lashed the popular mind in this whole country into uncontrollable fury. Then began that tempest of the political elements which we see raging around us to day. Is it not so? ["Yes," "yes."] We were then in the midst of an era of good feeling; all parties were at peace on this great question. I was myself a member of Congress at that time, and I know that no word of contention was to be heard in either of the great parties. Both the great political organizations, comprising within their numbers the whole American people, had solemnly declared in National Convention that the compromise measures of 1850, were to be a "finality." Well do I remember that most magnificent pageant that I ever beheld, or that man ever beheld, when General Pierce, having been elected by the American people over one of the noblest and most gallant men in the world, was borne in triumphant march, amid the uncontrollable enthusiasm of thousands of American citizens, along Pennsylvania Avenue to the steps of the Capitol, and there, having been proclaimed President of this great, free, enlightened and happy Republic, promised that the compromises of 1850, were to be regarded as "a finality," and the country should suffer no further shock from the agitation of the slavery question during his official term. And on the fourth day of January, 1854, Senator Douglas, in reporting back the Kansas and Nebraska Bills says distinctly that it would be a departure from the course pursued, and the policy indicated in the memorable acts of 1850, to repeal the Missouri Compromise, for the reason that Congress in these acts did not repeal the old Mexican law prohibiting slavery in New Mexico; and yet in nineteen days after that, under the pro-slavery lash of Senator Dixon, of Kentucky, and Vice President Atchison of Missouri, he introduced his amendment repealing the old Missouri Compromise, which he himself had said was "canonized in the hearts of the American people, and which no ruthless hand would ever dare to disturb." Yes, you recollect, citizens of Sangamon, he said that in this very house in 1849. In 1850 and 1851 he said that the Missouri Compromise was passed by a majority of Southern votes, and was to be regarded as an amicable settlement of the whole question. But now in 1854, he succumbed to pro-slavery dictation and introduced his bill for the repeal of that sacred Compromise.

WHAT WAS SAID AT THE TIME.

The following extracts from a speech delivered in the United States House of Representatives, by one of the humblest members of that body, myself, will show that the effects of the repeal of the Missouri Compromise were foreseen, and that the fearful agitation which has followed was plainly foretold, and that what was then mere prediction is now history:

"What member of the present Congress will ever forget the delightful anguishes under which we met? We met each other,

not as northern or southern men, but as Americans, representing a common brotherhood—the people of the sovereign States. As such we entered upon the duties before us. All the great objects of national concern were engaging our attention; and Congress was receiving from the press throughout the country the high laudation that this was to be a business session. There were Abolitionists here, but they said not a word. It was reserved for the Senator of a free State to thrust the firebrands of discord into our peaceful councils; to pick afresh the bleeding wounds which had been so happily healed; to open wide the sluices of agitation, and to revive a fearful war of sectional strife, so dangerous to our Union and peace, and which God alone can tell when or where, or how, it is to terminate.” * * * * *

“This will be no party measure. The great enormity of its introduction into our national councils is, that it tends to make two parties, divided not as heretofore, but by geographical lines. A northern party and a southern party. This is the most fearful aspect of the case. This is what Washington, in his farewell address, warned his countrymen to guard against and discountenance. Who can foresee the malignity and bitterness of the strife which is to ensue? Who can foretell its termination?”

What is that history? Remember, I am now inquiring what were the *teachings*, which led to the Harper's Ferry crime? I charge upon Stephen A. Douglas and his coadjutors the crime of arousing that agitation which led directly to the commission of those shocking barbarities, both in Kansas and Virginia; slurring with a dark blot the pages of our history and disgraceful to the age in which we live. If I had a jury of twelve honest, intelligent men, who would hear the testimony and argument in the case, I would convict the reckless disturbers of the Missouri Compromise as the real authors of the agitation which produced the Harper's Ferry crime, and that to them ought to be assigned the deepest and darkest “cells in which to spend their miserable lives as a punishment for their crimes against the peace of society.”

You have heard the indictment. Run hastily over the chain of testimony. The Missouri Compromise is repealed, and the territory opened to the incursion of slavery. In a very short time, Vice President Atchison resigned his seat as Speaker of the Senate and went home to assist in the organization of the blue lodges, and head the slave state army in their invasion of Kansas; followed up by the robbery of the Arsenal at Liberty, Missouri, of one thousand stand of arms; the over-running of that fair and peaceful territory by an armed force, bearing banners and all the munitions of war; the sack of the village of Lawrence; the burning of a hotel; the destruction of a printing press; the seizure and stuffing of the ballot boxes; the arson and crimes, and murders, shocking in the sight of heaven and earth, which were perpetrated by that horde of ruffians; the dragging of the body of the young and gallant Brown along the public highway, and then throwing it all bleeding and ghostly pale in death into the arms of his fainting wife; next and last in the series, the maddened revenge of old John Brown, at Harper's Ferry. Here, my fellow citizens, we have a chain of testimony in which no link is wanting by which to trace the present trouble and agitation, and the troubles of the past five years clearly and unmistakably to that act of mad ambition—the repeal of the Missouri Compromise. [Prolonged applause.]

THE OLD WHIG PARTY.

Now, having spoken of the policy and the principles of the Democratic party, so far as we have been able to find any principles, suppose I address myself in a few words to the principles and course of another party which once existed—the old Whig party, as they are called—the Fillmore men—as your chairman has termed them. In standing here as I do to-day, I understand myself, upon this slavery question, to be following exactly in the footsteps of the immortal Henry Clay. [Great cheering.] I know that the men who slandered him while living, who dogged his track with insatiable malignity throughout his great and patriotic career, who never failed to denounce him as a malefactor, who never tired with heaping abuse upon his fame, are now calling on you old Henry Clay Whigs to come forward and support Democratic slavery extension and all the principles of this corrupt party. But let me say, they hold no one principle in common with that great and illustrious patriot, while they distort every act of his life, and every utterance of his lips. They deny that Congress has the power to regulate slavery in the Territories. Henry Clay contended for that doctrine, to the day of his death. In his speeches in favor of the Compromises of 1850, he took decided ground in favor of the power of Congress to prohibit slavery in all the territories of the United States; while this modern Democratic party say that slavery may exist without local law establishing it,—that the Constitution of the United States, of its own force and vigor, can carry slavery into every territory belonging to the federal government. Mr. Clay said that “you could not lay your finger upon any clause of the Constitution which conveys the right or the power to carry slaves

from one of the States of the Union, to any territory of the United States.” He said further, “If slaves are voluntarily carried into such a jurisdiction, (where slavery does not exist,) *their chains instantly drop off, and they become free, emancipated, liberated from their bondage.*” And while by removing the Missouri Compromise, and contending for the dictum of the Dred Scott decision, they are in favor of the extension of slavery throughout all possessions where the national flag floats, Mr. Clay uttered those memorable words, (and you will all recollect that when Mr. Clay was going to make an emphatic declaration, he would precede it with some impressive words.) Mr. Clay declared, “Coming as I do from a slave State, I owe it to myself, I owe it to my country, I owe it to truth and justice to say that while the vital current shall run through these veins, I will never, *never*, by word or deed, by act or will, consent that one rood of free territory shall be given over to the everlasting curse of human bondage. [Enthusiastic and long continued applause.]

Such was the noble language of Henry Clay. And now, while they tear down the Compromise Measures of 1850, and open afresh those bleeding wounds which Clay and Webster and Cass had so happily healed; while they lay their sacrilegious hands upon the Missouri Compromise, that his own hands had made, they come forward and claim, with amazing effrontery, to be the special heirs of Henry Clay! [applause.] Fellow citizens, my blood courses indignantly through my veins, when I see these life-long slanderers of this great man attempting to fasten upon him principles which he abhorred and condemned in all the acts of his illustrious life.

I am myself a Kentuckian. I knew Mr. Clay, and supported him with enthusiastic devotion from my boyhood to the day of his death; and well do I recollect how, at the age of fourteen years, I walked twelve miles through the thinly inhabited country to hear the voice of that illustrious statesman; and I recollect how, as I beheld that mighty concourse of freemen in Hamilton, Ohio, how they were swayed by his oratory as trees are swayed by the storm; I recollect, as was once said of another, how my eye kindled and my heart warmed, as I beheld his white plume in the thickest of the fight, the banner of the Union waving over his head and the flaming cimeter of the Constitution in his hand, [great applause.] And now, fellow citizens, the great Kentuckian is gone;

“He sleeps his last sleep, he has fought his last battle,

No sound shall awake him to glory again.”

He has left small men and small politicians enough to stir up the muddy pools of contention and strife, and foment agitation and disunion throughout the land; but where now is the Great Pacificator? who is to stand upon the deck of that noble old ship, the Constitution, and guide her over the dashing billows of political strife, and spread our starry flag to the winds of Heaven? Friends and supporters of Henry Clay, if you are true to his principles, it is all we ask—it is all the Republicans ask. He said Congress had power over slavery in the territories; he said that slavery could go nowhere into free territory except by local law; and he said you could not lay your finger upon any clause in the Constitution of the United States which authorized the slaveholder to take his slave from slave into free territory. He was the chief supporter of the Missouri Compromise. I ask you only to be true to the principles of Henry Clay—be true and firm, like Henry Clay, for he was a man, who, although charged with being an Abolitionist, never quailed. Not the threats of foes, nor the blandishments of power, nor the spoils of office could ever seduce his unbending spirit to desert a principle or abandon a friend. And I verily believe the man who now would pretend to be a Democrat, upon the plea that he was a Henry Clay Whig, is untrue to the glorious name and memory of Clay—disgraces his own manhood and the noble nature with which God Almighty has endowed him. [Great and prolonged applause.]

REPUBLICAN PRINCIPLES.

I come now to consider the principles of the Republican party, and here I will not detain you long. The great idea and basis of the Republican party, as I understand it, is free labor. It is all in that word, to elevate, to dignify, to advance, to reward, to ennoble labor—to make labor honorable is the object, end and aim of the Republican party. Fellow citizens, labor is the foundation of all our prosperity—every blow of honest labor is a part of our national wealth; and he is no statesman who does not give to labor its highest rewards—who does not open to it the broadest fields—who does not make labor as honorable as he possibly can.

Thirty-five years ago, and this beautiful Illinois of ours—now such a bright Eden for us—such a glorious heritage for our children—was in the possession of Black Hawk, Keokuk, Shawnee and their wild warrior tribes. But, what a change! Look at our mighty cities, magnificent with the temples of art, and the crowded thoroughfares of commerce—look at these vast sunny prairies, blooming with orchards, and gardens, and broad green fields. Behold the beautiful homes, scattered thickly all over the country—the manufacturing establish-

ments on your rivers—the long trains of cars, trooping in procession along your railroads—the splendid steamers which ply day by day along your magnificent streams, carrying the products of your labor, and creating a commerce whose influence extends throughout the world. [Tremendous applause.]

And what produces all this wealth and prosperity? Labor, hard handed labor—the labor of millions of patient hands—the humblest as well as the most exalted.

Now the question comes, how shall we advance this labor as presented in our politics, the question is, whether unpaid, unwilling slave labor is better than voluntary, intelligent, free paid labor? I was not so young when I left Kentucky, but that I recollect the time when a poor man toiled all day, with ached upon his shoulder, up the scaffold of a rich man's edifice for three shillings a day, because a slave could be hired for seventy-five dollars a year. Do you recollect what Senator Hammond said of the free white population of South Carolina? That a majority of that unhappy class subsisted by hunting and fishing, and trading with the negroes for what they were stealing from their masters and they cannot live and prosper in competition with unpaid slave labor. But I will not dwell upon this point.

PROTECTION TO HOME INDUSTRY.

How shall we advance this labor? In the first place, we have, as a part of our platform, a tariff resolution. We occupy precisely the same position upon this question as was finally occupied by both the Democratic and Whig parties.—Jackson, as you all recollect, was for a revenue tariff, as opposed to protection. Clay and his disciples were in favor of a protective tariff, and believed in protection as a distinct political principle. A long, hard, memorable battle was fought between these old parties until the compromise tariff bill of 1832 was agreed upon, and the principle was finally recognized by all parties. I believe, that we should have a revenue tariff—thus fulfilling Mr. Jackson's notion, with incidental protection, which secured Mr. Clay's object, that is, specific duties as contradistinguished from *ad valorem* duties, discriminating in favor of articles the growth and manufacture of our own country. We propose to elevate labor by these principles; by upturning the concealed riches of the earth; by opening the beds of iron that rest in our mountains; by affording in every way in which we can, a better market for farmers and mechanics. But you are familiar with this subject, and I cannot dwell longer upon it.

FREE HOMESTEADS.

Another portion of our platform is in favor of a free homestead upon the public lands to any actual settler, whether an American born citizen or one of the poor wanderers from foreign lands who may come upon this soil and settle, improve, and occupy it for a limited period. Fellow citizens, I have always rejoiced in my vote against the Kansas-Nebraska bill; and I am glad now to see that the universal sentiment of this country is now coming up to sustain the man who was broken down in this district upon that issue. [Applause.] I rejoice not so much in that, however, as I rejoice in the humble but earnest efforts I made in Congress by my voice and vote in favor of a free homestead to every free American citizen who would go there and occupy the soil. [Hearty applause.] Look at this question for a moment.

I recollect, in 1853, of going to the Land Office at Danville, and there I found a man who, as the agent of foreign capitalists, had secured 24,000 acres of land at the land warrant price of one dollar and a quarter per acre. I staid there a few days, and in that time there were as many as five or six men—hard working men, desirous of settling in that locality, and spending their lives there—who had gone over the country, selected their little eighty or one hundred and sixty acres, raised their money by hard patient labor, to enter their little farm, and when they came to the land office, they were told that it was included in the 24,000 acres just entered by an agent of foreign capitalists and speculators. Since that time those foreign speculators have sold out these same lands for ten dollars per acre—selling 24,000 acres for \$240,000, to the poor laborers who felled the forest, turned over the furrows in the soil, and made the country prosperous by their labor and their improvements. Now I declare myself in favor of the policy such as Jackson finally announced in his annual Message to Congress, in 1832, which was in substance that it was best to abandon the idea of raising revenue out of the public land, in order to afford to every American citizen an independent free-hold—that independent farmers are everywhere the basis of society and the true friends of liberty.

Why, what are these lands? We have to-day more land west of us than east of us in this country. Reflect upon that! Take a map and draw a line from east to west, over Kansas and Nebraska territories, and you will find it stretching over a distance equal to that from Springfield to Philadelphia. Why, those two territories alone contain land enough to make fourteen States as large as Illinois. Look at the territory, acquired by treaty from France and Mexico! Look at the vast Utah territory, at Minnesota, Kansas, Nebraska, Washing-

ton, Oregon, containing hundreds and hundreds of millions of acres—a territory more extended and magnificent than Rome commanded in her greatest power and pride, when her imperial eagles swept in their irresistible course over the ancient world. And is there anything wrong in giving a home from all this bounty to the poor laboring man? Shall he breathe this pure air free? Shall he enjoy God's glorious sunlight free? Shall he drink the waters of our lakes and rivers free? And shall there not be a solitary place, not a green spot on the broad earth, where the poor, honest American citizen, when disaster pursues him, and all other resource has failed, can find a place to labor and make a home for himself and his children? I say, give it to him. Let the poor laborer go there, and by the blessing of God we will keep that territory free from the clank of a chain. [Loud Applause.] We will let no slave be taken to that territory. We will preserve it free, as God made it, for the poor white people of the South and of the North, and for their children and their children's children [applause.] We will keep it for the Anglo-Saxon race—that giant race which God designed should stamp the impress of their genius, and plant their free institutions upon this land. [Applause.] We will send our poor laborers there with the Bible and the ax, bearing with them the independence which our fathers achieved, and all the thousand improvements of an enlightened and Christian civilization. We will build up cities upon those broad plains, and scatter homesteads upon their thousand hills, until you can hear the rattle of machinery by every stream from the granite hills of New England to the rocky ramparts of the Pacific. Yea, to the golden gates of the West there shall be a line of witnesses of the onward majestic march of free American labor. [Tremendous applause.]

DEMOCRATIC PRETENSIONS.

But, fellow-citizens, I hear some man say, "the Democrats are for all that, too." Prove it. Did you say so, my Democratic friend, when you were talking about nigger, more nigger, all nigger, at Charleston? [Laughter.] Did you ever mention the Homestead bill there? Have you not, in voting for it, time and again, during its pendency in Congress, always voted it down? Did you not vote Grow's bill down in the Senate a few days ago, by a unanimous vote, except, perhaps, of one or two who I believe had the "bronchitis." [Laughter.] All of them voted against this homestead measure. Where is the speech by any man of your party, in or out of Congress, in favor of this wise and beneficent measure? I do not believe you can find it. I will not say you can't, but I do not think you can find one ever delivered by Judge Douglas in favor of a homestead bill. On the other hand the Republican members of Congress have been a serried host—a solid phalanx for this great and beneficent measure. [Applause.]

PACIFIC RAILROAD.

We are in favor of the construction of the Pacific Railroad. Do you say the Democrats are also for it? Have you seen many of their speeches in favor of it? Have you seen evidence of any particular zeal on their part? A man can go to Congress and give a silent vote for a measure once in a while, but if he do nothing more he will really do but little for it. He must work, speak, labor for his measure. Where are the speeches, where are the acts which they have done since the days of Tom Benton which showed any real zeal for the Pacific Railroad? I do not say there is no such speech, but I don't recollect of many, and I do not believe you do.

About ten years ago, you recollect, a few barks started out from New York for San Francisco, a distance of eighteen thousand miles. That distance has been somewhat shortened, but it is still over six thousand miles. Within that ten years has sprung up that magnificent commerce, that splendid line of ocean steamers which now connect these distant ports. The traffic of great States is carried on through these noble vessels. So much has been achieved by the enterprise, intelligence and accumulated power of the American people.

But, fellow citizens, that is too far around for us. We want a way opened directly through—a Pacific Railroad, uniting ocean to ocean, and affording to the people a wider market and increased facilities for intercourse. We want to open a route around the world, connecting Europe and Asia by a speedier route than any known, and transporting through our midst the products of China and Japan on their way to consumers in England and France. We want a way which shall bring us within a few weeks travel by railroad and ocean steam navigation of the six hundred million people of Asia and the Indies. Why can we not build this road, spanning the continent? You say the country is uninhabited. So once was the country through which the great trunk lines of railroad across the Alleghanies have been built. Give to the people homesteads. Let every actual settler have one hundred and sixty acres free, for his home, on the public lands; and as the railroad is constructed, settlements will spring up at the stations and nestle along the track, until from New York to San Francisco, in ten years, or at least,

within a quarter of a century, we will have an unbroken cord of free, powerful commonwealths, stretching from ocean to ocean. [Applause.]

WHO IS CONSISTENT.

Such are the measures the Republican party propose to the American people. Upon this slavery question, I simply wish to say a little out of place just here, we occupy the same position held by whigs and democratic parties, in 1848. Here let me make a simple statement. Every free state in this Union, with one exception, in 1847, '48 and '49, passed resolutions in favor of the prohibition of slavery in the territories, and requesting their Representatives, and instructing their Senators to vote accordingly. More than that I could easily show you that in 1848, no man took stronger ground in favor of the power of Congress over the territories than Mr. Douglas, in 1848. He was unquestionably a *Black Republican* at that time, in this one respect. On the 13th February, 1848, Senator Douglas, in his speech on the admission of Iowa into the Union, made use of the following language: "The father may bind his son during his minority, but the moment he (the son) attains his majority, his fetters are severed, and he is free to regulate his own conduct. So, sir, with the territories; they are subject to the jurisdiction and control of Congress during their infancy—their minority—but when they attain their majority, and obtain admission into the Union, they are free from all restraints and restrictions, except such as the constitution of the United States has imposed upon each and all of the States." But now all those who now stand where all the old Democrats from Jefferson down to Polk stood, and we Whigs who stand where all the old Whigs from the first down to the death of Clay stood and still stand, are to be called abolitionists for maintaining these same great doctrines—now the doctrines of the Republican party.

LINCOLN'S CHARACTER, ETC.

And now, fellow citizens, I am through. ["Go on," "go on."] Well I will only say a few words in reference to the ticket. I know some folks are asking, who is Old Abe? I guess they will soon find out. [Laughter.] Old Abe is a plain sort of a man, about six feet four inches in his boots, and every inch of him a man. [Laughter and loud cheers.] I recollect a little incident which occurred two years ago at a little party which amused me at the moment. A very tall man went up to Lincoln and said, "Mr. Lincoln, I think I am as tall as you are," and he stood up by him, displaying to the full his fine stature. Lincoln began to straighten himself up and up, until his competitor was somewhat staggered. "Well, I thought I was," said he, now doubtful which was the taller. "But," says Lincoln, straightening himself up still higher, "there's a good deal of come-out in me," and he came out two inches the highest. [Great applause and laughter.] He was, as many of you know, a plain, poor boy when he came here, and is a farmer-like looking sort of man now. A hard-working man he has been, in his time. ["Yes, and he is yet."]

A REMINISCENCE OF OLD ABE.

I recollect the first time I ever saw Old Abe, and I have a great mind to tell you, though I don't know that I ought to. ["Yes, go on, go on."] It was more than a quarter of a century ago. [A voice, "He was 'Young Abe' then."] I was down at Salem with a friend, who remarked to me, one day, "I'll go over and introduce you to a fine young fellow we have here—a smart, genial, active young fellow, and we'll be certain to have a good talk." I consented, and he took me down to a collection of four or five houses, and looking over the way I saw a young man partly lying or resting on a collar door, intently engaged in reading. My friend took me up and introduced me to young Lincoln, and I tell you as he rose up I would not have shot at him *then* for a President. [Laughter.] Well, after some pleasant conversation, for Lincoln talked sensibly and generally then just as he does now, we all went up to dinner. I ought not to tell this on Lincoln. [Great laughter and cries of "go on," "go on!"] You know very well that we all lived in a very plain way in those times. The house was a rough log house, with a puncheon floor and clapboard roof, and might have been built like Solomon's Temple, "without the sound of hammer or mill," for there was no iron in it. [Laughter.] The old lady whose house it was soon provided us with a dinner, the principle ingredient was a great bowl of milk which she handed to each. Somehow in serving Lincoln there was a mistake made, and his bowl tipped up and the bowl and milk riced over the floor. The good old lady was in deep distress, and burst out "Oh dear me! that's all my fault." Lincoln picked up the bowl in the best manner in the world, remarking to her "Aunt Lizzy will not discuss whose fault it was—only if it don't worry you, it don't worry me." [Rounds of laughter and applause.] The old lady was comforted and gave him another bowl of milk. [Renewed laughter.] My friend given who introduced me, told me the first time he ever saw Lincoln, he was in the Sangamon River, with his

pants rolled up some five feet more or less, [great merriment] trying to pilot a flat boat over a mill-dam. The boat had got so full of water that it was very difficult to manage and almost impossible to get it over the dam. Lincoln finally contrived to get her prow over so that it projected a few feet, and there it stood. But he then invented a new way of bailing a flat boat. He bored a hole through the bottom to let the water run out, and then corked her up and she launched right over. [Great laughter.] I think the Captain who proved himself so fitted to navigate the broad horn over the dam, is no doubt the man who is to stand upon the deck of the old ship, "the Constitution," and guide her safely over the billows and breakers that surround her. [Enthusiastic and prolonged applause.]

THE MAN OF THE PEOPLE.

I do not mention these hardships of Lincoln's early life as evincing any great merit in themselves. Many a man among you may say, "I am a rail splitter. I have done many a hard day's work, and if that entitles him to be President, it entitles me to be President, too." All I mean to say in regard to his having been a poor, hard working boy, is that "it don't set him back any." [That's it.] As the young man said who courted and married a very pretty girl when on the next morning after the wedding she presented him with a thousand dollars. "Lizzie, I like you very much, indeed, but this thousand don't set you back any." [Rounds of laughter and cheers.] So if Lincoln has all the other qualities of a statesman, it don't set him back any with us who know and love him, to know that he was once a hard working boy.

THE UGLY MENS' TICKET.

We know he does not look very handsome, and some of the papers say he is positively ugly. Well, if all the ugly men in the United States vote for him, he will surely be elected. [Laughter.]

THE GIANT KILLER.

Is this all, say you? If you had read the scriptures, my Democratic friends, as well as you have the papers, it would save me the trouble of telling you of a chapter where the giant Goliath went out and defied the armies of the living God. He was a fearful giant, six cubits high—you see some giants are much higher than others. [Laughter.] Then the hosts of Israel were sore afraid, but a little fellow named David said: "Don't be afraid; I'll go and fight the Philistine." And he took a sling and five smooth pebbles, and went forth to meet him. As the giant approached vaunting at a great rate, David "put his hand into his Shepherd's bag and took thence a stone, and slung it, and smote the Philistine in the forehead and he fell upon his face to the earth," and the Philistines fled. Do you see the application? [Great laughter.] Do you not remember how the Democratic party selected their giant, their best man, their ablest debater to be a standard bearer—and Senator Douglas is a strong man in any country. He was to be their candidate for the Presidency of the United States. He was to defy the armies of freedom, the Republican hosts everywhere. He came out to Illinois to fight us. Then we selected the little stripling Old Abe Lincoln [laughter and cheers], and told him to go forth and meet the giant. He went forth; he met him, and you all know the result—["yes," "yes," and cheers.] triumph, glorious triumph in every contest, at every place. Yes, fellow citizens, Abraham Lincoln met Stephen A. Douglas in the grandest tournament of political discussion the world has ever seen, and literally offered him up a sacrifice on the altar of his great humbug—popular sovereignty. With his clear, penetrating and irresistible logic, he dispelled the smoke and sophistry with which Northern doughty politicians were aiming to dupe a credulous people. His every speech was a triumphant proclamation for liberty and the right. He made Republican principles stand forth in a light so clear, that the whole nation is rising *en masse* to pay undissembled homage to our platform, and to crown with the highest honors their great expounder. [Loud applause.] Let me give you a proof in addition to your own knowledge. The Republicans are circulating broadcast throughout the land the debates between Lincoln and Douglas—spreading as many of Douglas' speeches as of Lincoln's. They are willing to trust to the discussion as carried on between these two gentlemen for the perfect vindication of their principles. They are publishing these debates in vast numbers, and scattering them all over the land. But do you ever hear of Judge Douglas or his friends publishing or sending out a copy of this great discussion to show how he overcame Abraham Lincoln?

THE LESSON OF HIS LIFE.

I said Lincoln was once a poor boy. And is it nothing?—Is there no lesson in his life to you, fellow-citizens? Is not his example and his achievement a lesson to the hopeful, the young and the poor? And will you blame the people if they love their own? He is the best friend of labor, who himself has labored. He can best sympathize with the people in their wants. Is the story of his life nothing? He is the representative of the great idea of the Republican party—*Abraham Lincoln*. The representative of the genius of our free institu-

tions. A boy the son of poor parents, himself poor, begins life unaided, save by his own industry and genius, struggles on, advancing step by step, through many years of patient and earnest endeavor until he rises to that proudest of all human elevations, the Presidency of the United States.—[Tremendous cheering.]

What an example here is for our children. Hereafter the poor boy who follows him in his history as he leaves the State of Kentucky, at the age of six years, and grows up in Indiana, laboring faithfully with his hands, going to Illinois and working on step by step, until he becomes the mighty statesman, and honored chief of thirty millions of freemen—as the poor boy of future years, reads the story, he will feel strange emotions in his breast, and determine to emulate the example of the noble Lincoln. [Cheers.] The poor boy—the poorest of you, though his parents may be humble, though he may have to face the colds of winter and the summer's sun, however poor he may be, in this land of freedom, where the avenues to office and success are open to all, he can point to Abraham Lincoln, and straighten himself up and say "I have the same right and same opportunity to be President, as any other boy." [Applause.]

Fellow citizens, the name of Abraham Lincoln, which we present to you is a winning name—a name to rally on wherever freedom requires a champion—a name to boast of wherever you would point to an honest man or a patriot—a name

to love wherever affection would seek a warm-hearted and generous spirit—a name which is a spell to gather millions wherever free hearts and strong hands are to be summoned in favor of liberty and humanity. [Tremendous applause.]

My friends, I recollect—oh! how I recollect—the mighty shout that went up from those assembled thousands at Chicago, in and outside of the great Wigwam when Abraham Lincoln was nominated for the Presidency of the United States—a shout louder, I have no doubt, than any that ever has been heard on earth since "the morning stars sang together and the sons of God shouted for joy." I recollect how it was caught up by the electric current and sent forth upon the lightning's wing to every part of this mighty nation; O, how the glad tidings of the universal rejoicing of Republicans throughout this nation came back in thirty minutes to the Convention. I see that same spirit here to-day, and it will not subside. We will have bonfires and illuminations, we will have every demonstration of joy, and ten thousand thousand banners shall be borne aloft inscribed with the words, "Lincoln and Hamlin, Union and Victory." [Great and long continued applause.]

As Mr. Yates retired the crowd gave him three hearty cheers, and then three rousers for Abraham Lincoln.



SPEECH

OF

HON. RICHARD YATES,

DELIVERED IN THE WIGWAM, AT THE SPRINGFIELD

JUBILEE, NOVEMBER 20, 1860.

FELLOW-CITIZENS:

We have had a splendid triumph, and we have met to rejoice over it. We rejoice, not with vindictive triumph over our opponents, but in the success of principle. We desire not to make them feel bad, but for ourselves to feel glad. Say no hard things against them, for their cup is full and running over. (Laughter.) We rejoice because we have had a solemn and deliberate verdict of the American people in favor of the great, the undying principle of human liberty. (Applause.) We have had a hard struggle; we have had to meet misrepresentation and falsehood—a base perversion of the platform and designs of the Republican party; but they have fled before us as the prairie fires are driven before autumnal winds when the grass is dry, and now our banners stream aloft like a flame far up in the sky, and float majestically on the breeze and the storm. (Applause.)

Our victory is thorough, ample, complete. Why, we have carried the Legislature, the State, and the Nation. (Applause.) Up to '58, Illinois was the banner State of Democracy, and rolled up her majorities by uncounted thousands. In '58 we carried the popular vote for Lincoln—but by reason of unfair apportionment, our opponents had the Legislature; but now, in spite of unfair apportionment and gerrymandered districts, we have carried both branches of the Legislature. (Applause.)

Now one of the results of this will be, that the Legislature will, at its next session apportion the legislative districts on the principle of fairness, and thus transfer the power from one third, to a majority of the people, and from "Egypt to Israel." (Laughter.)

Another result: By the recent census, Illinois will be entitled to about six Representatives increase, so that the State will have fifteen Representatives in Congress. Now we must be fair to our Democratic friends, and we must give them at least three Democratic districts down in lower Egypt; (laughter) good and strong ones, so that they will have no doubt of their undoubted democracy. (Laughter and applause.) Now we can be kind in this respect, and still have twelve Congressmen left to bear aloft the Republican flag, and give their support to Abraham Lincoln's Administration. ("Good," and applause.)

I confess my heart is full, when I refer to another result of securing the Legislature. I refer to the triumphant restoration to the Senate of the gallant, the eloquent, the noble Trumbull. (Loud applause.) Trumbull was one of the pioneers in the Republican ranks. He left a pampered and victorious party and united with a small minority for the sake of principle. No man was ever the victim of more shameful abuse or personal insult than Lyman Trumbull, but no man has more nobly vindicated his course, or more proudly borne aloft the Republican banner than Lyman Trumbull. (Loud applause.) He has reflected credit upon himself, and lustre upon his State; and in all the grand tournaments of Senatorial debate he has shown himself the peer of the proudest Senator and the ablest statesman; ("that's so," and applause), and if Democratic leaders, quailing beneath the power of irresistible logic, or writhing beneath his withering sarcasm, have ardently prayed for his defeat, millions of freemen in Illinois and throughout the land, will hail the restoration of Lyman Trumbull to the Senate of the

United States as one of the proudest trophies of this most glorious campaign. (It is impossible to describe the tumultuous applause which followed these remarks of Mr. Yates as our able Senator.—Ed.)

We have also carried the State ticket. We shall still have the pleasure of shaking by the hand our faithful and accomplished Secretary of State, O. M. Hatch, [applause,] our sagacious and efficient Treasurer, Mr. Butler. [Applause.] We will still look upon the broad honest face of Uncle Jesse [applause] our noble and well tried Auditor, and our model School Superintendent, Newton Bate-man. [Applause.] In the speaker's chair of the Senate, we shall have Francis A. Hoffman, the representative of that hardy, industrious and intelligent class of citizen who have sought our land as the asylum of the oppressed, and who may ever be relied upon when freedom calls her sons to the discharge of patriotic duty. [Applause.] As to the humble individual who is to occupy the house on the hill, I must have nothing to say, except that if you take his opponent's testimony and what friend Wentworth says, you had better believe that he is a LIVE Republican. [Applause.] To deny that he feels honored by the high position conferred upon him, would be to deny his own nature. Proud is the warrior returning from the field of his fame; so am I proud of the confidence of the people of my State in the signal honor they have conferred upon me—and prouder still that I stand up here to-night triumphant on the same principles I went down on in 1855. [Loud applause.]

We have also succeeded in the nation.—When I come to speak of the triumph of our own Lincoln, I find prose rather dry and I exclaim with the poet:

"Now is the winter of our discontent
Made glorious summer by this sun of York,
And all the clouds that lower'd upon our house
In the deep bosom of the ocean buried."

All New England has spoken. The old Keystone gives her 80,000. New York has spoken with a voice louder than the cataract which thunders upon her western border. Ohio, the first born of the Ordinance of '87, and the whole of our young but giant North West has rolled up her accumulated thousands for Republican liberty and the child of the people, Illinois' great and gallant son, Abraham Lincoln. [Long continued applause.] How has he passed through the contest?—Notice the fact, that though the records were searched, and after the strictest scrutiny by the greedy and venomous hunters of slander, he stands unscathed. The shafts of calumny and detraction lie shivered and harmless at his feet, and the character of Abraham Lincoln is as white to-day as the snow-flake ere it falls to the earth. [Loud applause.] I

like to dwell upon the events of the canvass. It was a picture for history. There sat that plain and humble man at his home in the bosom of his family, not perambulating the country "in search of his mother," [laughter and applause,] and making speeches from every hotel balcony and railroad station, disdaining to canvass for his own election; but see you not those banners fluttering along the sky, blazoned with the flaming words of Lincoln and Liberty, raised by millions of patriotic hands, and bearing to the Presidency the man whose words of living truth had impressed him upon their minds as the man for the times and crisis. [Loud applause.] And we will rejoice because he is one of our boys. ["That's so! That's so!"] And though he is to go to the White House, that shining height of human power, though you were to bind his brow with all the laurels of a Roman conqueror, or crown him with a diadem, yet, for his humble neighbor, he would ever have a warm heart and a cordial hand. [Loud applause.]

If I may be pardoned for a personal allusion, ["Yes," "yes,"] I will remark that I have some reason to remember the rise, progress and final triumph of the Republican party. The Republican party was one of the necessities of the times, as Whigs and as Democrats gave up most reluctantly the old organizations endeared to them by many hard conflicts for great principles. I had the honor of being a member of Congress during the last two years of Mr. Fillmore's administration, and during the first two years of Gen. Pierce's. There was no slavery agitation in Congress during Mr. Fillmore's administration—no sectional strife—no cloud big as a man's hand could be seen on the face of the political sky. It was not until 1854 that ruthless hands were laid upon the Missouri Compromise, and that agitation sprung up and swept the country as with the violence of a storm. Now the Republican party was born at 4 o'clock, on the 5th day of March, 1854, when the Kansas Nebraska Bill, repealing the Missouri Compromise, passed the Senate. ["That's so," "that's so."] I know it's so, for I was *there*, and though it is now only a six year old, yet all will admit what the thunder of the ballot-box has proclaimed that it is this day and hour the mightiest party upon the continent of North America. [Applause.] Multitudes of both the political parties at Washington and throughout the free States viewed the repeal of the Missouri Compromise as calculated to have the effect which Mr. Douglas has boasted it did have, to give over the Kansas Territory to slavery, and immediately those multitudes, having a common faith, began to rally under the new organization, not, it is true, for the restoration of the Missouri Compromise, but to

keep the Territory free. How it was to be made free, whether by the restoration of the Compromise, or by another prohibitory act of Congress or by such construction of the Constitution as would prevent the slaveholder risking his slaves in the territories was not then fully decided, but that free it must and should be, was the united voice and unshaken determination of the Republican party. [Applause.]

I refer to this history for this purpose: I had spoken and voted against the repeal of the Missouri Compromise, and when on my return home at the close of the long session of 1854, having published a card that I would not be a candidate for re-election, I was met at the depot in Springfield by Mr. Lincoln. He said I had taken the right course on this question, and though he could not promise me success in a district so largely against us, yet he hoped for the sake of the principle, I would run, ["That's just like Old Abe,"] and if I would, he would take the stump in my behalf. I remember his earnestness, and so deeply did he impress me that the question was one worthy of our noblest efforts whether in victory or defeat, that I consented. From the circumstances I believe that the only consideration with Mr. Lincoln was a disinterested and patriotic desire for the success of correct principle. Little did he or I then dream that for the advocacy of that principle he was to be made President of the greatest nation on earth, and his humble friend at the depot, Governor of one of the greatest Commonwealths of that nation. [Prolonged applause.] These were the circumstances under which Mr. Lincoln entered upon his great career, dreaming of no reward, save the greatest reward of the true patriot, the consciousness of duty performed to his country—he wielded his ponderous logic with such tremendous effect as to make his antagonists quail before him—he afterwards met the great captain of the pro-slavery Democracy in the grandest debates which ever occurred in the whole history of political controversy, and triumphed over him in every contest; his enunciations of Republican truths, his statesmanlike comprehension and exposition of the true policy of the country upon the most complicated of all subjects brought him conspicuously before the people; the story of his plain and simple life struck deep into the popular heart till there was a universal conviction among the people, and they felt it in their heart of hearts that Abraham Lincoln was the man for the highest office within their gift. [Loud applause.] He was accordingly nominated at Chicago as the leader of that young and giant party which from Maine to Minnesota was rallying under the standard of freedom, determined to reassert

the great principles of 1776, and to restore the Government to its original purity. On the 6th November he was triumphantly elected—and we have met to rejoice over that glorious event, and we will rejoice and be exceeding glad. ["We will," and applause.]

What are the points decided by the election of Lincoln? I answer that, the solemn verdict of the American people is, that the constitution of the United States is not a pro-slavery Constitution—that the Constitution does not place slaves on the footing of other property, and protect them wherever its jurisdiction extends; that slavery is the creature of a local law—that every man upon the footstool of the living God, every man into whom God has breathed the breath of a living soul, every man everywhere, upon every spot of this green earth of ours, is a free man until there is a law to make him a slave. [Applause.] This verdict of the people has re-affirmed the doctrine of Mr. Clay, as promulgated on the floor of the United States Senate in 1850, a few months before his death, in which he said, in substance: "You cannot lay your finger upon a clause of the Constitution authorizing the slave holder to take his slaves into a Territory and hold them there." It re-asserted the doctrine of all our Courts of all the States, slave as well as free, and of the Supreme Court of the United States, as enunciated by a Marshall and a Jay—and it has pronounced a withering rebuke upon the five slaveholding Judges of the Supreme Court, who, in the Dred Scott decision, have overturned the whole line of judicial authority of every civilized State and nation, and proclaimed the abhorrent doctrine that slavery exists by force of the Constitution, with all the elements of property in man in the Territories paramount to any popular sovereignty in the Territories, and even to the authority of Congress itself. [Applause.]

This verdict of the people has uttered a fearful warning to the miserable dynasty of doughfaces who have betrayed the free States which they represented, and has consigned to a political grave, so deep and dark that no sunlight of resurrection shall ever reach him, the man whose ruthless hand was laid upon the Missouri Compromise—

"Laden with guilt and full of woes,
Behold the aged sinner goes
Down to the regions of the dead,
With endless curses upon his head."

But above all, this verdict has decided that a construction which is favorable to the idea of freedom shall be given to the Constitution, and not a construction favorable to human bondage—it has taught us then, when we want a construction, we must go back to the men who made the constitution, to those flaming patriots who struggled round about the camps of liberty, and who fashioned and framed

ed every section and clause of that Constitution, and not to a Stephen A. Douglas, or any of the mushroom race of modern pro-slavery politicians. [Loud applause.] And, as our fathers said with regard to the Northwest Territory, and as they said with regard to our own bright Illinois, and which now stands forth in the pride of her power, with her splendid cities, with her fair cultivated fields, progressing in all the arts, beauties and refinements of civilization, with a rapidity and grandeur without a parallel—a fair daughter of the ordinance of 1787, as our fathers said Illinois should be free, so we say with regard to the Territories stretching off to the Pacific ocean, they shall remain forever free, and by the blessing of God, the clank of no slave-chain shall ever be heard upon that broad domain. [Loud applause.] This verdict of the people has decided that we will not extend an evil which has been the source of all our troubles; which has broken down all our political organizations; which, wherever it goes subverts the freedom of speech, of the press, of the post office, lights up the flame of the incendiary's torch, deluges our Territories in the blood of our best citizens, arrays the people of one section against the people of another, like hostile armies on the field of battle, and if not arrested in its wider spread, will rend our Union asunder, and tear down our political temple from "turret to foundation stone."

This verdict of the people has decided that there are other subjects which should claim the attention of the Government than those of slavery—that to elevate and dignify labor, to make it honorable, to open to it the broadest fields and the highest honors and emoluments, are objects worthy of the statesman's regard, and hence the people have decided in favor of affording protection to American industry, of giving free homes to the poor in the Territories, and of a railroad across the continent from ocean to ocean.

But we are told that the South will not submit and that the Union is to be dissolved. Do you want my advice on this subject? Then all I have to say is, keep cool. [Laughter and applause.] When the children of Israel, hotly pursued by Pharaoh and his horsemen and chariots, were encamped upon the Red Sea, they murmured. Moses said unto them, "Fear ye not, stand still, and see the salvation of the Lord." I am glad to see the Republicans cool on this question, and I infer from the tone of the press they are cool everywhere, from Old Abe down to the humblest Republican in our ranks. ["That's so," and applause.] I met a Democratic friend the other day, and he seemed to be annoyed because I did not seem to partake of the sensation. [Laughter.] So far nothing has occurred

which we had not a right to expect before the election. We knew there were classes of men in the South who were for disunion—some who desired a re-opening of the African slave trade and the diminution in the price for negroes—some politicians of the South, who, failing of promotion in the Union are hopeful of prominence at the head of a new confederacy—and a large class everywhere who are fillibusters, and ready for any revolution in which they might have a chance to improve their fortunes. In the North, also, we had a long list of Democratic journals and orators, who, to defeat Mr. Lincoln's election had flooded the land and the whole South with gross misrepresentations of his opinions and designs. Then came fulminations from Wall street and heavy houses of trade in our large cities, more alarmed for the safety of Southern indebtedness, Southern trade, and the price of stocks, than for any fear of a dissolution of the Union.

I confess I have but little fears of secession or disunion. I take the bluster of a few hot-spurs of the south as but little indication of Southern sentiment. The pugnacious little State of South Carolina has been talking about disunion ever since she came into it. And though a few Senators, postmasters and judges have resigned, yet no federal law has been resisted, no fort has been seized, and the collection of the revenue has not been obstructed. The Southern fire-eaters have not yet looked all the difficulties incident to an independent national organization in the face, and have not seen, as they will soon see, that there is not an evil of which they complain which will not be magnified infinitely out of the Union. South Carolina, with scarcely more men and resources than this Congressional District; why, she would starve out; her banks would suspend; her markets would be cut off; and her people borne down by poverty and taxation too grievous to be borne, would very soon knock at our doors for re-admission into the Union.

As to a manifesto from Mr. Lincoln to quiet the fears of the South I say never, never. ["Never, never;" and loud applause.] Mr. Lincoln is not responsible for the excitement. Let those who have kindled it put it out. Mr. Lincoln will say nothing to the South, which he has not already said. He will not budge from the principles laid down in his speeches and the Republican platform. (applause.) He will be mild but firm. He will have great disposition for conciliation, but none for compromise. "He will stand in courageous fidelity to the Constitution, the Republican platform and the Declaration of Independence." If the madness of ambition precipitate disunion and civil war, he can say with a clear con-

science he is in no wise responsible for it. ("That's so.") He has again and again declared that he is opposed to any interference in the affairs of the slave States; that the States are sovereign, and have the right to order and control their domestic institutions in their own way—that while he regards slavery as an evil, yet he recognizes the right of South Carolina to cherish her institution if she desires, and to hold her slaves as long as she pleases. His opinions are eminently conservative. When asked at Cincinnati how he would treat the South, his reply was, as brothers, and as Washington and Jefferson treated them; and that he advocated no principle on the slavery question which was not advocated by Washington, Jefferson and Madison. Thousands of Southern people entertain every sentiment of the Republican party: but our Northern papers, and Northern speakers have been carefully kept out of their sight. No man, no paper is allowed to speak in the South which does not denounce Republicanism as something akin to treason. Democratic orators in the North and in the South have represented Mr. Lincoln as in favor of abolishing slavery in the States; as designing a warfare upon the institutions of the people of the slave States—that he was in favor of freeing all the negroes, and for an unrestricted political and social equality of the black and white races. These misrepresentations have been quoted by Southern papers and Southern speakers until the negroes themselves began to look forward to the election of Mr. Lincoln as to a day of jubilee, and the bright vision of a happy Canaan, where they should know oppression no more, has been flitting through their imaginations. Now let those who are responsible for the excitement in the South issue their manifestoes. ("Good," and applause.) Mr. Lincoln will bide his time. He is not President yet. If the South sees fit to believe these slanders upon Mr. Lincoln's views and designs, Democratic orators and presses in the North and South are responsible for the hostile position and treasonable demonstrations of the South; and let those leaders issue their manifestoes, recall their infamous slanders and quiet the fears of the Southern malcontents, and if they will not do this let the consequences of their acts be upon their own heads. (Applause.)

Will it not be a sad commentary upon our free institutions, a sad termination of the Government of our fathers, if the Union which they formed is to be dissolved for no other reason than that the majority of the people have elected a President, whose crime is that he proposes a recurrence of those principles which our fathers, fresh from the bloody

field of the revolution, proclaimed to the American people as the true and solid basis of our national prosperity. I am for one, prepared to say that if the Union is to be dissolved for any such reason, it is time we were knowing it. ["Right," "right," and applause.] It is time the question was tested. Whether the South really intends to dissolve the Union or not, the result of the election has informed her that the independent judgment of the American people cannot be coerced by insolent threats of secession or disunion to vote for other than the man of their choice. Now the time has arrived when the American people are to know whether they are to have the President of their choice, elected in accordance with the Constitution. Let us know for once and forever whether a majority or minority shall rule? Let us know whether the millions of freemen of this nation are to get on their knees to Slavery at every Presidential election? [Applause.]

We know what Mr. Lincoln's Administration will be. We believe it will not be one year till the whole South, except the traitors bent on disunion any how, will hail the election of Mr. Lincoln as one of the greatest blessings. ["Good" and applause.] Without encroaching upon the rights of any State the Federal Government will withhold support to slavery in the Territories, and oppose its extension, and the reopening of the African slave trade. This will be an end to the slavery question. Indeed, the Republicans are the best friends of the South—they guarantee to the people of the slave States every Constitutional right, but claim for the Territories the policy which their own great statesmen inaugurated, and say that this great evil, the source of all our troubles, shall not be further spread into our Territories to curse and degrade them and their children, and us and our children, for a thousand years to come. Here we hold out to them the olive branch of an eternal peace; of a perpetual, unbroken union. [Applause.] Give Mr. Lincoln's Administration but a fair trial, and the South would soon settle down in the enjoyment of all her Constitutional rights; slavery extension and the slave traffic would cease; all the laws would be faithfully enforced; harmony would be restored, and a bright and eternal sunshine of union and peace smile on all the hillsides and valleys of the land. [Applause.]

I cannot speak for Mr. Lincoln, nor do I know the emergencies he has to meet, but I have every confidence in his ability to meet, whatever crisis may come. I have known him too long and too well to doubt either his prudence or his courage. I know that every desire of his heart is for peace, but, if occa-

sion demands. South Carolina will find in him the true metal, the fire and flint, the pluck of old Hickory himself. [Tremendous applause.] I would disdain to utter the words of the mere political braggart, but, then, I do say, that while the most abundant caution should be used and the olive branch of peace and conciliation should be extended, yet the election of a President by a majority of the people is no excuse for treason, and that all the power of the Government should be brought to bear to crush it out wherever it shall rear its unsightly head. [Long and loud applause.]

For a quarter of a century or more have certain malcontents of the South, to subvert the vile purposes of personal ambition, set at naught the lessons of Washington and calculated the value of the Union. Now let it be, from this time henceforth, the united sentiment of all patriotic minds of America, without regard to party, that come what may, at all hazards, the spirit of disunion shall be so signally rebuked, that in all the years of the future it shall not dare to raise its hideous visage to mar the peace and quiet of the land. [Loud applause.]

I would not make lightly of the Union. As I look over our great country, our rivers and lakes, our free mountains and broad valleys, our flourishing commerce, our agriculture, reaping harvests such as the world never saw; our free civilization, striking its roots deep down into these principles of truth and justice, eternal as God,—as I look at our Government so free, our institutions so noble, our boundaries so broad, our beautiful sisterhood of commonwealths, united by the undying memories of the past, by the prosperity of the present, and by the precious hopes of the future, I feel to exclaim:

"Swear on the ship of State,

Thou, too, sail on thy Union's stream, and goot.

Her safety with all its cares

With all the hopes of generations years,

To hang on breathless on thy fate!"

But in vain shall be this invocation if the Government is powerless to suppress treason, and if the suggestions of timidity and cowardice shall rule our national councils. [Applause.]

I repeat, that so firm is my belief in the integrity, in the purity of motives, in the patriotism of Mr. Lincoln, you I believe there is a President in it, and that Mr. Lincoln is raised up for this crisis, as Washington was for the Revolution. [So do I, from all parts of the crowd.] I believe that from the day of his inauguration will commence a new era—a series of new and wonderful progress—in which all sectional jealousies will be merged,

and the popular heart elevated to higher and nobler aims and all our great interests of commerce and agriculture advanced to a degree surpassing even the hitherto unparalleled progress of the country. I will not believe that this American Union is to be dissolved. I have too much faith in the people, in the Constitution, in freedom and humanity to believe any such thing. Before such an event shall be consummated, South Carolina and the politicians who have trifled, and blustered, and threatened, will find out the spirit of '76 is not finally extinct, and that there is an awful, frightful majesty in an uprisen people. [Loud applause.]

I rejoice with unspeakable joy in this great victory, because it tells us how good it is to stand up for the right. We can recollect when we were denounced as abolitionists, and our names cast out as evil for the utterance of the most patriotic and manly sentiments, but true to our country, we have lived to see that feeble minority become a majority, and truth, liberty, and the right gloriously triumph. And I say to my Republican friends to-night, your triumph is great because you have elected the man President who dares to plant himself with a feeble minority on the side of truth. [Applause.] You rejoice because you yourselves have dared, for the sake of principle, to face the false epithets of abolitionist and negro equality. And I am glad to say I have found it to be true, that if a man plants himself upon truth and the right, and with resolute and unfaltering purpose pursues it, time and patience are only required to bring the American people to adopt it, and to reward him with sure and glorious triumph. [Loud applause.]

I say to my young friends, stand up for the right. If you would be on the strong side, be on the right side, for even in politics iniquity has its punishment. Example, Stephen A. Douglas. [Laughter and applause.] Virtue has her reward—example Abraham Lincoln. [Applause.] Be on the right side, and I tell you God has implanted in the human heart the love of liberty, and the hatred of oppression. I tell you the people of a free State will vote for free labor and free Territory just as naturally as the water flows downward or the spark flies upward. [Applause.] I tell you it is sure as if God had written in flaming fire on yonder sky that the party in this country which places its life on the immortal principle of human freedom, will triumph over all the opposing powers of slave domination and slave extension. [Loud applause and the crowd rose to their feet and gave cheer after cheer to the Government elect.]

GOVERNOR'S MESSAGE.

EXECUTIVE DEPARTMENT,
Springfield, April 23, 1861.

To the Senate and House of Representatives of the State of Illinois :

GENTLEMEN—The Constitution authorizes me on extraordinary occasions to convene the Legislature in special session. Certainly no occasion could have arisen more extraordinary than the one which is now presented to us. A plan conceived and cherished by some able but misguided statesmen of the Southern States for many years past, founded upon an inadmissible and destructive interpretation of our national constitution, considered until very recently as merely visionary, has been partially carried into practical execution by ambitious and restless leaders, to the great peril of our noble Union, of our Democratic institutions and of our public and private prosperity.

The popular discontent, consequent inevitably upon a warmly contested Presidential election, which heretofore has always soon subsided amongst a people having the profoundest respect for their self-imposed laws, and bowing respectfully before the majesty of the popular will, constitutionally expressed; this discontent was in this instance artfully seized upon, and before there was time for the angry passions to subside, one State after another was precipitated out of the Union by a machinery, wanting in most instances, the sanction of the people in the seceding States.

No previous effort was made by the disloyal States to procure redress for supposed grievances. Impelled by bold and sagacious leaders, disunionists at heart, they spurned in advance all proffers of compromise. The property of the Union, its forts and arsenals, costing the people of all the States enormous sums of money, were seized with a strong hand. Our noble flag, which had protected the now seceding portions of the confederacy within its ample folds in their infancy, and which is the pride of every true and loyal American heart, and which had become respected and revered throughout the world as the symbol of democracy and liberty, was insulted and trampled in the dust.

All this time the Federal Government, intent upon peace, trusting that forbearance would restore friendly relations and remove the alienations founded upon delusive apprehensions of aggressions upon Southern rights, exhibited an indulgence and toleration of wrong and insult from our erring brethren unparalleled in the history of nations. No impediment was thrown in the way of men who had openly disowned and treasonably defied their government. Their mail facilities and commerce were not interrupted. The utmost liberty of speech and the press were tolerated, allowing them with impunity to express their views in all the loyal states. They had uninterrupted ingress and egress, and were permitted to mingle with the citizens of all the other states without molestation, and to disseminate their doctrines everywhere. The action of the government was confined to a passive resistance and to the holding, occupying and possessing the property of the United States. Invasion was not only not threatened, but distinctly disavowed, both by the former and present administrations.

In the meantime, strenuous efforts were made by union men in the border states, and in the free states, to bring about a reconciliation. Congress proposed by a decided vote an amendment to the constitution, by which all apprehension of an interference with the domestic institutions of any state, was to be quieted by giving to the universally prevailing sentiment of such non-interference the highest constitutional sanction. Territorial bills were passed, which did not contain any assertion on the part of Congress of the right to prohibit slavery in the territories, so that the perplexing territorial question, as regards the institution of slavery, was virtually set at rest.

A conference of commissioners, at the instance of the Commonwealth of Virginia, was held at the Capital, attended by nearly all the border states and all the free states, with but one or two exceptions. Propositions of a highly conciliatory character were adopted by a majority of the free states represented in said conference: but before Congress had even time to consider them, they were denounced by leading men in the border states, and by almost every one of their members of Congress, as unsatisfactory and inadmissible, though they met the approval of the best patriots and of the mass of the people in the border states. The seceded states treated them with the utmost contempt. That, under such circumstances, and when no practical object could be obtained, the representatives of the free states declined to adopt them, is no matter of surprise.

A proposition, first made by the legislature of Kentucky, for the call of a National Constitutional Convention, as provided in the constitution,

for the redress of all grievances, undoubtedly the best and surest mode of settling all difficulties, was responded to by Illinois, and by many other free states, and such a convention was definitely recommended by the present administration on its advent to the government. Enough had been done by the border and free states to satisfy every rational mind that the South would have nothing to fear from any measures to be passed by Congress, or even by any of the state legislatures.

Public sentiment was everywhere, in the free States, for peace and compromise. No better proof could be required, that the conspiracy, which has now assumed such formidable dimensions, and which is threatening the destruction of the fairest fabric of human wisdom and human liberty, is of long standing, and is wholly independent of the election of a particular person to the Presidential office, than the manner in which the seceded States have acted toward their loyal brethren of the South and North since they have entered upon their criminal enterprise. We must do them, however, the justice to say, that all their public documents, and all the speeches of their controlling leaders, candidly admit that the Presidential election has not been the cause for their action, and that they were impelled by far different motives.

So forbearing and pacific has been the policy of the Federal Government—anxiously hoping for a return to reason in the minds of our Southern brethren—that they were suffered to erect their batteries in the jaws of our guns at Sumter—finally losing to us that strong fortress by the most unexampled forbearance and reluctance to the shedding the blood of our countrymen. And a simple attempt, on the part of our Constitutional Government, to provision a starving garrison in one of our forts, of which the revolutionary authorities had received official notice from the Government, has been made the occasion for a destructive bombardment of that fort. Overpowered by numbers our gallant men had to lower our glorious flag, and to surrender on terms dictated by rebels.

The spirit of a free and brave people is aroused at last. Upon the first call of the constitutional government they are rushing to arms. Fully justified in the eyes of the world and in the light of history, they have resolved to save the Government of our Fathers, to preserve the Union so dear by a thousand memories and promising so much of happiness to them and their children, and to bear aloft the flag which for eighty-five years has gladdened the hearts of the struggling free on every continent, island and sea under the whole Heavens. Our own noble State, as of yore, has responded in a voice of thunder. The entire mass is alive to the crisis. If, in Mexico, our Hardin and Shields, and Bissell and

Baker, and their gallant comrades, were found closest to their colors, and in the thickest of the fight, and shed imperishable lustre upon the fame and glory of Illinois, now that the struggle is for our very nationality, and for the stars and stripes, her every son will be a soldier and bare his breast to the storm of battle.

The attack upon Fort Sumter produced a most startling transformation on the Northern mind, and awakened a sleeping giant, and served to show, as no other event in all the history of the past ever did, the deep-seated fervor and affection with which our whole people regard our glorious Union. Party distinctions vanished, as a mist, in a single night, as if by magic; and parties and party platforms were swept as a morning dream from the minds of men; and now men of all parties, by thousands, are begging for places in the ranks. The blood of twenty millions of freemen boils, with cauldron heat, to replace our national flag upon the very walls whence it was insulted and by traitor hands pulled down. Every village and hamlet resounds with beat of drum and clangor of arms. Three hundred thousand men wait the click of the wires for marching orders, and all the giant energies of the Northwest are at the command of the government. Those who have supposed that the people of the free States will not fight for the integrity of the Union, and that they will suffer another government to be carved out of the boundaries of this Union, have hugged a fatal delusion to their bosoms, for our people will wade through seas of blood before they will see a single star or a solitary stripe erased from the glorious flag of our Union.

The services already rendered me, in my efforts to organize troops, provide means, arms and provisions, by distinguished members of the party, hitherto opposed to me in political sentiments, are beyond all praise, and are, by me, in behalf of the State, most cheerfully acknowledged. There are now more companies received than are needed under the Presidential call, and almost unlimited numbers have formed and are forming, awaiting further orders. A single inland county (La Salle) tenders nine full companies, and our principle city (Chicago) has responded with contributions of men and money worthy of her fame for public spirit and patriotic devotion. Nearly a million of money has been offered to the State, as a loan, by our patriotic capitalists and other private citizens, to pay the expenses connected with the raising of our State troops and temporarily providing for them.

Civil war, it must be confessed is one of the greatest calamities which can befall a people. And such a war. It is said "when Greek meets Greek then comes the tug of war." When American shall meet American—when the fiery, impetuous valor of the South shall come in

contact with the cool, determined bravery of the North, then blood will flow to the horses' bridles. Would that the calamity might be averted! But the destruction of our government is a far greater evil. A government which is the hope of the world—promising more of happiness to us and our children and the millions who are to come after us, and to the struggling free in every land, than any government ever invented by man, *must not, shall not, be destroyed.*

A government that submits to peaceable secession signs its own death warrant. What would be left of our Union? No matter how many States it might for the present still comprise—this would give us not a moment's guarantee against further dissolution, if the right to secede once were peaceably tolerated. Government is established for the protection of rights and property, and when built upon the principle of voluntary dissolution, it ceases to furnish that protection; it ceases to be a government under which rational men can live.

We draw the sword then, not in a spirit of indignation or revenge, but clearly and unmistakably in self-defense, and in the protection of our own rights, our liberty, and security for our property, in a word, for the nearest and dearest interests of ourselves and our posterity. I have thus spoken, because an impression may still prevail in the minds of some, that this conflict was one of our own seeking, and one which might have been avoided without any imminent danger to the yet loyal parts of the country. *This is not so. Secession has brought about its inevitable results, and we must crush it, and treason wherever they raise their unsightly heads, or perish ourselves.*

In this sudden emergency, when the call was made by the National Government, I found myself greatly embarrassed, by what still remains on our statute book, as a militia law, and by the entire want of organization of our military force. A great portion of this law has grown entirely obsolete, and cannot be carried out, and moreover is in conflict with the instructions of the war department, which latter are based on the various military laws of the United States now in force. But as far as possible, I have made an effort to keep within the provisions of our law.

I have to call your attention most emphatically to the enactment of a practicable militia law, as recommended in my Inaugural Address, which should recognize the principle of volunteering as one of its most prominent features. It ought to be plain and intelligible as well as concise and comprehensive. It ought to provide for many emergencies and future contingencies, and not for the present moment alone. I trust that our conflict will not be a protracted one; but if it unfortunately should be, we may well expect that what is now done by enthusiasm,

and in the first effervescence of popular excitement, may hereafter have to be done by a stern sense of duty, to be regulated by an equally stern law. Trials may come, which can only be met by endurance and patient performance of prescribed duty.

I deem the passage of a well digested militia law the more necessary, as it seems to me, that the present levy of troops, which will soon pass under the control of the General Government, is insufficient to protect our State against threatened invasion, and such commotions as frequently follow in the train of war I would recommend to keep an active militia force, consisting of infantry, cavalry and artillery, for some time to come, at least; also a reserve force for protection against dangers of any kind, and for the purpose of readily complying from time to time, with the requisitions of the General Government.

It is for you, representatives of the people, if you coincide with my views in this respect, to pass the proper laws to accomplish the objects recommended to your most earnest consideration.

In the organization of troops, the collecting of provisions and arms and munitions of war, preparing a camp, employing various agents to carry out the orders which had to be given for these purposes, some expenses have been already incurred, which cannot be met by the contingent fund, which you are aware is a very limited one. The expenditures which will have to be made before our troops are mustered into the service of the United States, though they will all be refunded by virtue of the now existing laws of Congress, and consequently will not burthen our treasury ultimately, will have to be borne for the present by us. Should you, as I earnestly hope, provide for an active force of militia, to be kept up for a time to be limited by your wisdom, a considerable expenditure will have to be incurred, and it will have to be provided for by a loan, the taking of which is already secured by the generous, patriotic and ample tenders of our own fellow-citizens.

To this end, I recommend the appropriation by the Legislature of a sum not exceeding three millions of dollars, so much of which only is to be expended as the public exigencies may require; and I would further recommend that a law be passed authorizing the Governor to accept the services of ten regiments, in addition to those already called out by the General Government.

Though the Constitution has very properly restricted the contracting of a public debt in all ordinary cases, it has, with commendable foresight, provided for cases of emergency such as the present, in allowing loans to be made "for the purpose of repelling invasion, suppressing insurrection, or defending the state in war." I invite you to a prompt

action on this all-important subject, and feel no hesitation that you will come forward with a zeal and alacrity, in providing ample means for the present emergency, corresponding to the devotion of our people to their sacred honor and their glorious flag.

It has come to my knowledge that there are several thousand stand of arms scattered over the state, which are, however, not of the most approved construction, and need to be exchanged for others, or to be provided with the more modern appliances to make them serviceable. I have already instituted means to have these collected at the State Armory at the Capital, and what disposition shall be made of them is respectfully submitted to your consideration.

Other measures may be necessary by you for the purpose of lending efficient assistance to the General Government in preserving the Union, enforcing the laws, and protecting the rights and property of the people, which I must leave to your judgment and wisdom. As one of such measures, however, I recommend the propriety of passing a law restraining the telegraph in our State from receiving and transmitting any messages, the object of which shall be to encourage a violation of the laws in this State or the United States, and to refuse all messages in cypher, except when they are sent by the State or National authorities, or citizens known to be loyal.

And now, as we love our common country, in all its parts, with all its blessings of climate and culture; its mountains, valleys and streams; as we cherish its history and the memory of the world's only Washington; as we love our free civilization, striking its roots deep down into those principles of truth and justice eternal as God; as we love our government so free, our institutions so noble, our boundaries so broad, as we love our grand old flag, "sign of the free heart's only home," that is cheered and hailed in every sea and haven of the world, let us resolve that we will preserve that Union and those institutions, and that there shall be no peace till the traitorous and bloodless palmetto shall be hurled from the battlements of Sumter, and the star-spangled banner in its stead wave defiantly in the face of traitors, with every star and every stripe flaming from all its ample folds.

Gentlemen, I commend the destiny of our noble and gallant State, in this its hour of peril, to your wise and patriotic deliberations and prudent and determinate action. May the God of our fathers, who guided our Washington throughout the trying scenes of the Revolution, and gave to our fathers strength to build up our sacred Union, and to frame a government, which has been the center of our affections and the admira-

tion of the world, be still with us, and preserve our country from destruction

In the firm belief, that we are in the hands of a Supreme ruling power, whose will is wisdom, let us manfully maintain our rights and our Constitution and Union to the last extremity. Let us so act that our children and childrens' children, when we are laid in the dust, will hold us in grateful remembrance, and will bless our memories, as we do now bless the heroes and patriots who achieved our independence, and transmitted to us the priceless heritage of American liberty.

Respectfully,

RICHARD YATES.

SPEECH OF GOVERNOR YATES,

AT THE GREAT WAR MEETING AT CHICAGO, AUGUST 1, 1861.

The *Chicago Tribune* gives the following account of the meeting:

Last evening witnessed another patriotic uprising of the people of Chicago, not at all inferior to its predecessors either in numbers or enthusiasm. The visit of Governor Yates to this city on matters connected with the raising of the new regiments required from Illinois under the call of the President, was made the occasion on the part of the Board of Trade for a call for a public meeting, at which the citizens of Chicago could have an opportunity to meet the Governor and listen to his views upon the present crisis. The meeting was first called for Bryan Hall; but it soon became evident that that hall would not hold a tithe of the numbers who would seek admittance, and it was adjourned to the Court House Square. The result of this shows that the Board of Trade Committee did not misunderstand the temper of our citizens in the present emergency. By eight o'clock, as the shades of evening began to gather, the men, the bone and sinew of Chicago, came around the southern entrance of the Court House, and by half-past eight the entire enclosure between the Court House and Washington and Clark streets was densely packed with people. At least ten thousand persons were present, all animated with one common sentiment, a patriotic zeal for the salvation of our country. A notable feature of the meeting was the hearty approval of every sentiment endorsing or advocating the freedom of the slaves. Each speaker favored the employment of negroes in the suppression of this rebellion, and each was enthusiastically applauded. Hereafter, in Chicago, the advocate of human freedom, of right against might, is sure of an enthusiastic welcome at the hands of our citizens.

The meeting was called to order by his honor, Mayor Sherman, who introduced his Excellency, Governor Yates. After the applause which succeeded his introduction, had subsided, the Governor came forward and addressed the audience as follows:

SPEECH OF GOVERNOR YATES.

Fellow-citizens of the City of Chicago:—I thank you heartily for this cordial welcome. I receive, however, your loud and generous cheering, not as designed for me, but given in compliment to the great cause in which we are all engaged. I have not been in your midst for a year past, but we have known each other well as co-operators with all loyal men in the great work of saving our country from the perils which beset her.

I came here, to-night, fellow-citizens of Chicago, for a double purpose: First, as the Governor of the State of Illinois, to return you my sincere thanks for the efficient aid which you have rendered me in carrying out the requisitions of the War Department; and without which aid I am free to confess that the administration of State affairs must have been very difficult if not almost unsuccessful. In you I have always found faithful laborers and co-workers. When the storms of calumny have assailed me, you have nobly, generously and magnanimously sustained my feeble arm, and enabled me to carry on my efforts in common with those of other loyal men to save our bleeding country. [Applause.] My heart goes out to you to-night that you have assisted me and sustained me in this trying time.

It has been my lot to be placed at the head of State affairs in the very midst of times to try men's souls. Instead of the office of Governor being a tame, quiet, dignified sort of position, in which he exercises the powers of appointing Notories Public and pardoning criminals out of the penitentiary, I have found fellow-citizens, that I truly bought the elephant. [Laughter and applause.] It has been no slow train, but 2:40 all the time, and sometimes a mile a minute; and during all this hurry and struggle and tumult, you have given your united support, without distinction of party, to the vigorous measures which have been instituted in this State for the successful prosecution of the war.

Fellow-citizens, I am proud of the city of Chicago for these things—proud of her as the

beautiful Queen City of the Lakes—as the centre of commerce and trade, with such magnificent grain and lumber markets, so superior in all the elements of prosperity, in the elegance of the architecture of her private residences and public edifices, in her schools and colleges, in her vast system of railroads concentrating here thousands upon thousands of miles of railway, which day by day and night by night send forth their myriads of wheels to bring in and carry away the immense cargoes of your commerce. But transcending these, towering above them, I admire most your magnificent munificence, your liberality so boundless, and your organized and exhaustless energy in supporting your country in this her hour of trial. You have sent your numerous regiments into the field, composed of men as brave as ever drew the sword or shouldered the musket—men, fellow-citizens, who have gone out and breasted the storm of battle and borne your flag triumphant upon every field upon which they have engaged. The bones of thousands of those brave and gallant spirits now repose upon the banks of the Cumberland and Tennessee and in the wilds of Arkansas.

"They sleep their last sleep: they have fought their last battle;

No sound shall awake them to glory again."

But, fellow-citizens, as long as the human heart is swayed by the impulses of gratitude, you will cherish their memories, and their names shall be preserved in the archives of the State, to be transmitted to posterity as immortal heroes, who first went forth with life in hand to stand between their country and the traitors who would destroy it. [Applause.]

And then, fellow-citizens, you have responded nobly in money as well as men. Immortal honor to your Sanitary Commission—to your public authorities—to your Board of Trade—to your railroad companies! Immortal honor to them all! For I stand before you, a living witness, to-night, to testify that I have seen the supplies that they have furnished upon the banks of the Cumberland, the Tennessee, and the Mississippi. In the hour of need, I have found them ready to my hand, upon our State boats and upon the boats of the United States. Lasting honor to your surgeons, among them your Brainards, your McVickers, your Boones, your Johnsons, and a host of others—your agents and nurses, whom I have seen standing day by day and night by night over the cots of your dying soldiers. And immortal honor also to the ladies of Chicago. I have seen in the tent of the soldier the bright evidences of tender woman's handiwork, the shining traces of her benevolence; and prayers have gone up to God and blessings been invoked upon the noble, fearless women of Illinois for their invaluable and unceasing contributions to relieve our sick and dying soldiers.

And now that another call is made for troops, I find that Chicago responds with renewed cheerfulness and liberality. I am gratified by

the announcement that your Board of Trade and your private citizens, with a munificence and liberality worthy of all imitation, have contributed some two hundred and fifty thousand dollars to the support of this war in giving bounty to the soldiers who will enlist to go forth to defend our flag. I say, I came here for the purpose of thanking you for these things, my fellow-citizens.

The other object which induced me to visit you upon the present occasion, was to talk to you upon the subject of the crisis which is now before the nation, and to encourage you, as it is my design to encourage other parts of the State, to do all you can, to make every effort at this time in crushing out the infernal rebellion which, with red hands and demoniac intent, is aiming a fatal blow at the life-blood of our nation.

The history of this controversy is full of interest. In 1820 the nation was excited to its profoundest depths upon this subject of secession. The debate between Mr. Hayne and Mr. Webster upon Mr. Foote's resolution in the year 1820, is one of the most memorable in the history of forensic controversy. It required at that time all the powers of the giant mind, the ponderous logic and the godlike eloquence of Daniel Webster to give a quietus to the spirit of secession. In the year 1832 it thrust its hydra head again into the halls of our National Council, and it then required the iron will and stern energy and determination of Gen. Jackson to quell it. Then it was that he uttered those memorable words: "By the Eternal! This Union must and shall be preserved." [Loud applause.]

Ever since then for a period of thirty years, the doctrine has been perseveringly promulgated in several of the Southern State—stalking at times like a ghostly demon through the halls of our National Capitol. It grew stronger and stronger until the meeting of the Charleston Convention in 1860, when our illustration Senator, Stephen A. Douglas, [cheers] was unceremoniously kicked out of the Charleston Convention because his great heart and mind knew no other policy than the preservation of these United States "now and forever, one and inseparable." [Applause.] Fellow-citizens, it then became evident to every statesman and to every close observer, that South Carolina and her adherents, meant what they had so long threatened, disunion. One of your Chicago papers, I observe, has published at a very timely period the last two speeches of Senator Douglas; one delivered in the capitol at Springfield, and one at Chicago, immediately preceding his death. I remember that he said in one of those speeches substantially as follows: "I might appeal to the sentiment of the whole North, and to the people of Illinois in their impartial judgment to sustain me when I say that they regard it as the greatest error of my life that I lean more towards the Southern secession of our country than towards my own."

But, fellow citizens, his life long friendship was of no avail unless he would surrender his nationality—unless he would turn traitor to his country—unless he would unfurl the banner of a Southern Confederacy, defend the right of secession, the perpetual servitude of the African race, and the establishment of a slave aristocracy. [That's so, and loud applause.]

This spirit of secession grew stronger and stronger until it became evident from this act of black ingratitude to their life long friend, Stephen A. Douglas, that secession was a deliberate and settled purpose. I know that thousands of our countrymen could not believe for a moment that the people of the South could be driven to such madness as to destroy this Government. But to those who knew them well, it was evident that this was a fixed and long cherished purpose—that they had been educated into the doctrine of secession and slavery from 1820 down to the present time, and that they would not rest satisfied until a separate Confederacy was established.

It was in view of this fact and before these difficulties commenced, that in my inaugural address to the Legislature of the State of Illinois, I proposed the most stupendous preparations for war. I proposed the arming, drilling and equipping of the militia of the State. I was assisted in that effort by many of your valuable citizens—by the lamented Ellsworth, Col. Tucker, and others, who assisted me in drafting the bills; and if these bills had been adopted by the Legislature at that period, Illinois alone by this time would have sent an army into the field sufficiently strong to have crushed out every uprising of rebellion in the Mississippi Valley. [Applause.]

Fellow citizens, what were the pretexts of this rebellion? It was, as Senator Douglas, in one of his speeches declares, on the pretense that under the Constitution of the United States the people of the South could not secure their rights; when it was a known fact that at that very period the Fugitive Slave Law was more faithfully enforced than it had ever been during the existence of the Government, and it had always been enforced, as well as other public laws. In the Constitution of the United States there is a stipulation that slaves escaping from their masters should be returned. The Constitution protects the South in this right, and they themselves are the first to lay their unhallowed hands upon that Constitution and tear in pieces the very instrument which secured to them the return of their fugitive slaves. The Missouri Compromise had also been repealed, and there stood upon the statute book no law to prohibit the extension of slavery into any Territory of the United States.

Another pretext was the election of a Republican President, and yet they knew—in all their public meetings their leaders show they knew—that it was not the mere election of a Republican President, but they intended simply to make that the signal for rebellion and for the estab-

lishment of a Southern Confederacy. If anybody doubts this, subsequent events and well authenticated facts proved that the South for fifteen months previous had been making the most gigantic preparations for war, and this is conclusive evidence that these and all other pretexts which they had advanced were but the hollow pretenses of conspirators.

Now, fellow-citizens, what cause had they for this rebellion? We had a country which was prospering as never a country prospered before. We lived under the best government upon earth. We enjoyed the noblest institutions in the world. Throughout all its broad expanse, from ocean to ocean, happiness and prosperity were diffused upon every hand. Imperial wealth and unequalled power and a proud position was the status of these United States of America. We were at once the terror of tyrants and the envy of the nations of the world. The denizens of the foreign lands groaning beneath the iron heel of foul oppression, looked to this country as his sure asylum. By thousands they sought our peaceful and happy shores. As a people we were enjoying more of prosperity, more of happiness, and a more extended diffusion of the blessings of education, a higher appreciation of religion, a lofty and purer national character than any other nation in the world.

Then, I ask again, fellow-citizens, where was the cause for the destruction of this Union? The South has been the petted child of this government. She had the control of its offices and its power. This government was kind to her, gentle as a mother to her child; and at the very time of the outbreak of this rebellion, she was enjoying prosperity and reaping harvests, such as she had not seen before.

Yes, fellow-citizens, without the slightest cause, we find these Southern politicians dissatisfied and discontented. We find them with fire and sword, with savage and demoniac desperation laying their unhallowed hands upon the temple of liberty and striking terrific blows at the pillars which upheld it. Citizens! shall that proud, time honored structure fall? (No, no!) No. By the blessing of God, it shall stand—IT SHALL STAND—and traitors shall rue the day and the hour they laid their hands upon it. (Loud cheering.)

So unexpected and sudden was this rebellion that the statesmen of America did not and could not conceive of the blackness of heart, and the savage character, and the utter wickedness of its supporters. They could not believe that any American citizen was so mad as to really desire the overthrow of this government, and they attributed it all to political animosities and jealousies, to pass away as had been the case in all other heated Presidential contests.

Acting upon this belief, when the call for seventy-five thousand men was made by the President, everybody seemed to think that was an immense army—such an army as had not existed since the days of Napoleon. Then it

was thought that it would be unnecessary for that army to go to fight—that if they made a big show and a fine parade, that was enough to silence the rebels and make them abandon the struggle without further contest.

But this was not the only error then committed. The fatal policy, fellow-citizens, of the conciliation of the enemy was then and there adopted. Gentle measures towards our Southern brethren—as the secession sympathisers call these destroyers of our government and murderers of our citizens—gentle measures were supposed to be sufficient; and while we were practising upon gentle measures and encouraging the hope of reconciliation, they were making extensive preparations for war—preparing and drilling their soldiers for the fight. We acted in all our conduct of the war as though we feared there was danger of hurting somebody. We were not the attacking party, but the party that was attacked. In order to reconcile rebellion to the government, we were kind, gentle and forbearing; whereas I tell you fellow citizens, the way to make traitors love you is to crush them out. [Great applause and cries of "good, good."] While we were waiting for conciliation to heal up the bleeding wounds, we were only giving time to the rebels to mass superior forces against us—and make the most stupendous preparations for war. The consequence has been that the nation, with its boundless resources of men and money, with twenty millions to eight, has fought almost every battle with numbers inferior to the enemy. And now behold the proud army of McClellan, the chivalry and the glory of the land, while fighting with desperate and heroic valor, driven back by your enemies, until they stand not conquered, it is true, but beleagured within sight of their very capital.

Fellow citizens, no one man was to blame in this matter. No party was to blame—it was the error of the nation. All of us, without distinction of party, were to blame. Even now there is a very inconsiderable portion of the people of these Northern States who are opposed to employing the effective means by which this rebellion is to be crushed out.

Fellow citizens, a change of policy is demanded, imperatively demanded, or God alone knows when, or where, or how this war is to terminate. [Great cheering.] We are to fight. The policy of reconciliation is fatal, utterly fatal. Our only chance now is to depend upon ourselves, and each man upon himself—to do all that you can, to give all that you possess, if you love your country as you ought to love it—the greatest country that God ever gave to man. Your duty is to pour out everything, treasure and blood, and die, if need be, to save this glorious cause of ours. [Loud applause.]

Fellow citizens, my opinions with regard to this cause are well known. From the first, from the day of my inaugural down to the present time, I have been in favor of employing

all the means within our reach for the vigorous prosecution of this war. [Cheers and cries of "good, good."] And I stand up here to night to say as I did the other night, "my voice is still for war," [applause] for stern, relentless, resistless, stupendous, exterminating war, [great enthusiasm] and I am proud to night to stand up before you, fellow citizens of Chicago, and in the face of the world, if need be, proclaim that I am for employing all the means in the power of this Government for suppressing this infernal rebellion. [Renewed applause.]

Fellow citizens, the South, as you all remember, asserted long ago that the slaves were an element of their strength, and in this they were entirely correct, because while their slaves were digging their ditches and building their fortifications, the white men were fresh and vigorous for the battle. While the slaves in their fields were providing sustenance for the rebel enemy, and support for their families, the rebel himself was in the army shooting down your brave and gallant men, from behind pickets, and fences, and fortifications built by negroes.

Now, my fellow citizens, can this policy be pursued and this country be saved? [Cries, "no, no, no."] And let me tell you here that this very night, as for the last ten months, England and France are intervening, as they have been intervening all that time to favor the Southern Confederacy. We need not debate the question whether England or France will intervene. They slip their guns and munitions of war into our ports by every conceivable trick of fraud and force, and what they cannot accomplish in that way, they endeavor to attain through their commercial and business houses in New Orleans, New York, or other cities of in the United States. They are intervening as much to-day as though they had declared by public proclamation, recognizing the independence of the Southern Confederacy.

Moreover, fellow-citizens, to show you the immense importance of the contest in which we are engaged, I beseech you do not flatter yourselves into the idea that the power of the South is exhausted. She has 800,000 valiant warriors in the field now, and I tell you, fellow citizens, she can have 800,000 more. I ask, if, in view of these facts, it is not our duty to employ all the means within our reach to crush this infernal rebellion? We necessarily are compelled to have two or three men to their one, because ours is an invading army, and we have to protect the territory which we have conquered.—Let us then have no more child's play. When the present call is answered we shall have one million of men. Let us call out another million as a reserve force—let them be drilling and stand always ready for the fight—ready to occupy the posts already taken or pressing forward to hurl the thunderbolts of war. [Loud and long applause.]

But again, in this view of the case, I am for doing everything necessary not only to strengthen ourselves but to weaken the enemy. I am

for laying aside every weight that shall beset us, and striking rapid and effectual blows at the rebellion.

In this view of the case, I am free to declare to you here as my honor at conviction, and not as a partisan, for I know no party now, no party except my country—I am free to declare that *I believe that if the slaves are set free the rebellion dies.* [Applause.] While I would provide a compensation for every loyal slave owner, *I would let the nations of the earth hail with gladness the unfurled banner of universal emancipation,* [great enthusiasm and three cheers for Governor Yates,] and as this nation in the years of the future marches down through time in glory, grandeur and power, it should never have it said that the clank of one slave's chain was to be heard upon her broad and beautiful domain. [Renewed cheering.]

You ask me what I will do with the negroes. I will answer that with a familiar text of scripture. When Moses was pursued by Pharaoh, his horsemen and chariots, and encamped by the red Sea, the children of Israel, seeing no escape, murmured. What then did Moses say to them? "Fear ye not; stand still and see the salvation of the Lord." [Loud applause.]

Fellow-citizens, there is one thing that I do know—if there is emancipation there will not be one negro more than there is now. [Laughter applause.] I verily believe, as God is my judge, and I am a Southern man too, that there is more of amalgamation, more of negro equality and negro association, more of ignorance, inhumanity, barbarism and disgrace to our national character in the negro slave than there ever would be in the negro if not subjected to the dictation, the caprices and the lusts of slave owners. [Applause, and cries of "that's true."] I cannot help but believe, my religion and most inward suggestion teaches me that a man, be he white or black, who can stand upright in the image of his God as a free man, can make as much cotton, is just as good a member of society, and will add as much respectability to the nation, as if he were a slave. [Renewed applause.]

What designs a kind Providence may have in regard to the slave, I know not. Whether driven by cruel legislation out of the States, they will seek a more congenial clime in the tropics, or whether they will be employed raising cotton, at remunerative prices, in the cotton States, or whether as they become a little more independent, they will go to Africa where the distinction of color is not against them, there to light up the flames of civilization. Christianity and Freedom in that benighted continent—whether either of these destinies may be reserved for them I do not know, but there is one thing that I do know, and that is that slavery is not only in the course of ultimate but immediate extinction. [Great applause.] If written in fire upon yonder sky, it could not more plainly to mortal sight appear than that with the vigor-

ous policy which this government will be required to adopt in consequence of Southern madness, the freedom of the slave is no distant event. And that this policy will be adopted, I have no doubt. I know it will be adopted; I know that the President will go for this policy and save the Union. I know the people will go for this policy and then I know the politicians will *sneak in.* [Cheers and laughter.] You all admit, every man of you admits, that you would employ the laborers to dig trenches, to build fortifications, and as teamsters. Every man without distinction of party, admits that; do you not? [Cries of "Yes, yes."] None of you but believe in the doctrine that a negro might as well receive the bullet of the enemy as a white man. [Cries! "Good, good."] But if you employ them to dig ditches how would you hold and protect these ditches? Would you be so inhuman as to set them there digging ditches and not put arms in their hands to defend themselves. [Cries! "No, no."] How would you defend them? Would you let the enemy come and take them and the ditches or fortifications they had built? I repeat, how would you defend them? [A Voice, "Give them arms."] You must give them arms or you must have white men stand there and guard them, and I am not such a negro-worshiper, God knows, as to have white men stand between negroes and rebel bullets. [Cheers and laughter.]

There is another policy we must adopt. We must forage upon the enemy. [Applause.] But a few minutes ago, I read a letter from a gallant colonel in the field, a son of our respected chairman (Mr. Sherman,) in which he says the policy of guarding rebel property holds out inducements to treason. If the Union men have property, it is destroyed by the rebels. If the rebels have property, the Union men guard it—the rebels will not destroy it. The rebel is safe from either side. Who wouldn't be a rebel? [Laughter.] We must stop this policy. Why, I have been told that Tennessee was full of widows, nobody but widows there. You would suppose there was some deadly malaria, destructive to the life and vigor of a man, but a perfect elixir of life to a woman; and every woman says she is a poor, unprotected and defenseless widow. But go out into the field and ask Sambo, and he will say, "O pshaw! massa's in the rebel army, with a knapsack strapped upon his back, shooting down your soldiers."

Now, let the Government promulgate its stern and irrevocable decree that hereafter rebel property may be seized to feed and clothe our army, and that whenever a slave, panting for liberty, comes within our ranks, he shall not be driven back to his rebel owner, but he shall be put to work, at fair wages, and arms put in his hands to defend himself while he is at work. Proclaim this edict, and these rebels will fly from the army to their homes, and soon take steps, quick and rapid "steps to the music of the Union."

Now, fellow-citizens, what policy should we pursue? Your Government is in danger—your all is at stake. Suppose a conflagration should sweep wildly over this city, until it lighted up the sky with its lurid flames and the clouds of smoke towered to the very heavens, would you stop to inquire whether it was a black man or a white man attempting to extinguish the flames. No, fellow-citizens, if you are reasonable men, if you do as every nation under the sun has done, in all the history of the past, you will employ every means in your power by which to crush this infamous and unholy rebellion.

You would deprive the enemy of every element of strength, and if necessary to save the country, you would do as Washington and Jackson and Perry did; you would convert every hoe and plough and pruning hook of the Southern slave into weapons of war—you would put swords and bayonets into the hands of every loyal man and tell him to shoot down traitors wherever their feet disgraced the sod.

When I fight I fight to whip. What nation ever adopted a different policy? Whatever, consistent with the usages of war, will weaken, or cripple, or destroy, whatever will dampen the energies or cloud the hopes, whatever will most signally rebuke and punish the horrid crime of treason, whatever will soonest restore to my country the supremacy of law and constitutional liberty, whatever will soonest re-illumine her face with the sunshine of peace and union shall have my unqualified approbation. [Applause.] If to save my country I would blot out the dark blot which has so long sullied our national escutcheon, and write EMANCIPATION on every inch of her soil. [Loud cheering.]

Fellow-citizens, some distinguished American statesman and philosopher has said that every nation has its birth time and its trial time. Our trial time has come. The crisis of our national existence is upon our hands. This nation is trembling in the scale between life and death. Now, let me ask you, what course is to be pursued in such a case? Will you not come up as one man to the rescue? Behold your inheritance. Already thirty stars gleam upon your national banner, and more than half of which have been placed there since the first thirteen were placed there by our fathers—star by star being added, State after State being annexed to this confederacy—thirty millions of people destined to be one hundred millions—the inhabitants of an ocean bound Republic—with all the organized institutions of enlightened society, with all the ten thousand charms of a Christian civilization, united by railroads and telegraphs, by mighty rivers and lakes into one great confederate Republic, all recognizing the great principle of the right of the majority to rule, and acknowledging no superior but God alone. [Cheers.]

Where in the world is there a country so free as this? Where has the poor man such rights, franchises and privileges as in these United States of America? Why, the idea of our gov-

ernment, the principle upon which it is based, is the greatest good to the greatest number.—Its foundations are laid broad and deep in the inalienable rights of men. All men are brought to a level by this form of Government. Every man has a right to vote and to aspire to the highest office. The poorest boy in your midst, the son of the humblest man, can stand erect and say, "I have as good a right to be President as any other man's boy." These are the privileges held out to you by this great and glorious Government. I wish I had the power to depict the great interests, the hopes and the fears and the destinies involved in this awful contest.

Let no one dream that if this Union be dissolved we can hereafter have peace. It will be an idle dream. This government can never be reconstructed, after such a dissolution.—The mutual repulsiveness of its parts will render its disseverance eternal. Do you suppose we can ever have peace? Will you ever give up the mouth of the Mississippi? ["No, never."] Will you ever give up the navigation of the Father of Waters? ["Never, never."] I can see that before the people of Illinois will submit to navigate that noble stream with foreign batteries frowning from its banks, and subject to all the tolls, delays and exorbitant exactions of a foreign jurisdiction, as I said in my inaugural address, before that time shall come, the Father of Waters—the Father of Waters, from its head to its mouth, shall be one continuous sepulchre of the slain, [cheers; "good, good,"] and with its cities in ruins, and the cultivated fields upon its sloping sides, laid waste—it shall roll its foaming tide in solitary grandeur as at the dawn of creation. I tell you the battles of Belmont, Island No. 10, Fort Donaldson, Pittsburg Landing, are trumpet-tongued evidences of the unalterable determination of the people of Illinois and the Northwest that the waters of the Mississippi shall never flow through a foreign jurisdiction. [Cheers.]

Establish the doctrine of secession, and all is lost. If one State has the right to secede, then another State has the same right, and so on, until all of them may secede. Draw the line between the Northern and Southern Confederacies, and see what a disjointed, unadjusted and fragmentary remnant of empire you would have, as it is bounded by mountains and rivers. It is plain that it would be utterly impossible to hold it together. Division would be inevitable, so that we would not only have to submit to tolls and exactions upon the banks of the Mississippi, but wherever our commerce went out or came in, between San Francisco and New York, we would have to submit to the tolls and exactions which independent jurisdictions might impose upon us.

Dissolve this Union and we shall see sights such as the eye never saw before. It would not be one year before, for some imaginary or real cause or grievance, such as the navigation of the Mississippi, the escape of slaves from the

slave to the free States, the attempts to capture them, and the resistance to their capture, would involve us in war—and such a war! Why, again we would have the North arrayed against the South—the impetuous valor of the South against the determined bravery of the North. Blood would flow to the horses' bridles. We should see cannon frowning along our rivers, bayonets glistening along our border lines, armies marching to and fro, and commanders winning their victories; we should see the arts of peace converted into the arts of war. The green field of growing corn, the grain ripening for the harvest, would be desolated and the whole country would gleam with the light of burning towns and villages, until at last, fellow-citizens, this dismembered, dissevered and fragmentary republic would cry out for intervention and some foreign despot would rise to lord it over the people.

Thus would depart forever the glory of the land of Washington. Thus would sink forever the last experiment made by man for self government. Thus would go out in endless night the watch-fires which our fathers kindled upon our hills. [Applause.]

Fellow-citizens, I desire to make my appeal to you all—to all of us who are engaged in this war—to use our utmost efforts to put down this rebellion—to sacrifice every consideration, except that of the welfare of the country, and come to the conclusion—which I say before six months you will have to come to—that all the means in our power must be employed to put down this infernal rebellion. This is the conclusion we must come to. I care not what politicians may say; I care not what venal presses may say; the doom of these politicians, I can tell them, is sure, and the day is fast approaching when they shall call upon the rocks and mountains to hide them as they see the triumphal car of universal freedom marching as John Brown's soul is marching on, [cheers] and the whole country stands "redeemed and disenthralled by the genius of universal emancipation." [Loud applause.]

Let us sacrifice all party considerations of every character and stand united as one man, doing everything in our power; while the miserable miscreant and wretch who, out of the distress of his country in this perilous hour would attempt to manufacture capital for a political party, deserves to die a death such as we ought to impose upon Jeff. Davis himself. [Applause.]

Fellow-citizens, I shall not, as there are other speakers here, detain you much longer. ["Go on," "go on."] I will add one thing, however. As I have presented to you some discouraging facts, I will present you also with the most interesting feature in the remark which I am making, and that is this: That we will whip them. [Cheers.] As I told you when this war commenced, our statesmen did not believe that we were going to have much of a war. They did not dream that these southern traitors would give up so great and glorious a government as

ours; consequently they made no preparations for the war. When the war commenced, we were without anything—without arms or munitions of war. We had literally nothing. We were taken by surprise. On the other hand, what had been doing by the secessionists of the South? For fifteen months they had been engaged in the laudable business of seducing our army and navy officers, and by and through them stealing all of our best guns and all our munitions of war from the United States arsenals; and through the Secretary of War, Floyd, they had been stealing millions of money to carry on the war; so that we were left entirely unprepared for the crisis which was upon us.

What have we done in the meantime? This nation has arisen like a giant refreshed with wine. We had to go to Europe for arms, and we had to manufacture arms to supply those which had been stolen. We have gone to Europe and have got them, and we have manufactured them in our own country. We have sent 600,000 men into the field in that short period of time—an army such as the world never saw before. We have conquered territory far and wide, as the Roman eagles ever flew. We have blockaded their coast from New Orleans to New York, a distance of nearly 2,000 miles. We have opened the Mississippi. We have taken Arkansas, Louisiana, Missouri, Tennessee, Kentucky, Maryland, and a part of Virginia; and this day and hour, the American flag is floating triumphant in every State in the United States. [Applause.] Although our proud army has been driven back, it is simply for the want of reinforcements. The concentration of the rebel army at Richmond, is an evidence of their weakness—not of their strength. Driven from the sea coast and the Mississippi valley, they have drawn all their forces from Corinth, and from Tennessee, and from almost every other portion of the United States, leaving those portions unprotected, that they might meet the grand army of the Potomac in its march; thus showing that what might seem their strength, is an evidence of their weakness. All we have to do is to be true to ourselves, and we will certainly and surely triumph.

Don't stand talking or idling away your time. You are under solemn obligations to the brave boys who are now holding out their hands for reinforcements. They have gone through many an exhausting campaign. Their numbers have been decimated. The bones of very many of these brave boys lie mouldering beneath the sod upon the banks of the Potomac, the Cumberland and Tennessee, and upon every battle field from the bloody struggle of Richmond to that of Pea Ridge. The very blood of your martyred daad, of your young DeWolf, and the many others who have offered up their lives a willing sacrifice in the cause of their country, call to you. The living stretch out their hands to you for reinforcements. In the name of God, is there an American so recreant to his country and to every principle of humanity and friendship, so false to the great cause of the Union

and liberty, as not to volunteer at once and come forward in this great and glorious contest?

The policy of the administration is coming up to your standard. They have passed the act now by which you are to quarter upon the enemy, by which the labor of the negro is to be used and the negroes are to be used as far as necessary. You see they are coming up to your standard and now will you not stand up to your country in her hour of peril, and do your duty?

When I was asked what I meant by a vigorous policy, stamping armies out of the earth, it was asked of me whether I meant that free negroes in the North and slaves in the South would come up to the battle. At the time, although such would have been the result, to a good degree, yet I had no such thought in my mind. I meant that if this administration would adopt a policy in which the people had confidence; if they would employ all the means at the hands of this Government and prosecute the war vigorously, it would so arouse the people of this country, that it would seem as if armies came out of the earth to defend the ever-glorious Stars and Stripes. [Cheers.] I can now say to you, candidly and truthfully, that I believe within the next ten days all the regiments yet required of me will be enrolled and ready for service. [Immense applause.] You ask me what I mean by stamping armies out of the earth, and I tell you the response is here in the hearts of you people—deeply touched and their purses opened wide—in the prompt cheerfulness of our cities and counties in their corporate capacities. In the magnificent spectacle of our great State, roused throughout its length and breadth, and in all its deep foundations. Under the prospect of a vigorous prosecution of the war, Illinois is already leaping like a giant into the fight. [Loud applause.]

Active, energetic co-operation by all loyal men—speedy and rapid enrollment of our forces, power in overwhelming demonstration is one road to peace, and will speedily bring it about, while inaction, indecision, feeble response to the President's call, and a continuation of the conciliatory policy means a long and protracted war, foreign intervention, national bankruptcy, a broken, belligerent, dismembered Union and the loss of our dear bought and long cherished liberties. Rally then, rally to the rescue.

The accounts come glowingly from every other State. I want to ask now if Illinois shall lag behind. [Cries of "no, no."] Heretofore she has gallantly and gloriously led the column. Her brave soldiery have shed imperishable lustre upon the arms, the names, the fame of Illinois. The star which answers to Illinois is now the brightest in the galaxy of the thirty-four. [Applause.] The name of Illinois is synonymous with lofty courage and great achievements. [Renewed applause.] Her brave boys have

never quailed in a single conflict. A General in our army, whom I met at Shiloh, said to me: "Your Illinois boys fight like the devil. [Laughter.] I tell them to storm a battery and they storm it; I tell them to go out, one regiment against four, and they go, but," he added, "the infernal scoundrels! there is one order they won't obey, and that's the order to retreat!" I remember it was told me by an eye witness that when the glorious regiment which Chicago sent to the field under the gallant Col. White was pressed down by three or four regiments of the enemy, and was retiring in good order, the Colonel crying out "Steady, boys, steady," it was of no avail, until riding in front of the whole line and taking off his hat, he said, "now boys is the time to show the pluck of Illinois." [Loud cheering.] They staggered and reeled for a moment; but they stood fire, and marched to a great and glorious victory. [Applause.] Now remember what you are fighting for. You are fighting for your Constitution—for all that is dear to you—for your wives and children—for civil and religious liberty—for your grand experiment of government—for the interest of mankind, not only now, but always; not only here, but throughout all climes of the world. You are fighting for your Union, which has been handed down by men immortal for their goodness and greatness. Oh! what undying memories cluster around it! What hopes are fixed upon it! What eyes of the world are riveted upon it! You are fighting for your glorious old flag, the flag borne aloft in the days of the Revolution by those old patriot sires who struggled round about the camps of liberty; the same old flag that floated in triumph at Bunker Hill, and Brandywine, and Valley Forge, and Ticonderoga, at Buena Vista and Cerro Gordo, and Donelson and Pittsburg Landing; [cheers] the same glorious old flag which is now or was at the commencement of this war, hailed upon every continent, and island, and sea under the whole heavens as the best and noblest emblem of honor and freedom. [Applause.]

Now let me address myself to the foreigners who are here. Let me refer to an incident in the history of the country that you all know. Do you remember that away upon a distant sea, the coast of Smyrna, when a foreign born citizen, a Hungarian, and who considered his domicile in this country, was claimed by the Austrian, and taken aboard of their ship, that Captain Ingraham levelled his guns on the Austrian vessel and raised the American flag? Do you remember how the Austrian myrmidon shrank back in terror before the ever glorious Stars and Stripes? [cheers] and how even the unnaturalized foreigner had the protection of this flag, which was honored throughout the world?

There is another incident to which I will refer. During one of the tumultuous revolutions in Mexico, while Joseph L. Poinsett, former Secretary of War under Gen. Jackson, was

Minister to Mexico, that city was taken by assault. The invaders, after they had got within the city walls, asked where the leading men of the city had secreted themselves. It was found that they had sought the house of the American Ambassador as their only place of refuge. They marched to the house, they levelled their cannon upon it, and Mr. Poinsett says: "In that moment of extreme peril, as my only refuge, I seized the national flag. I ran out upon the balcony. I unfolded the Stars and Stripes and stood beneath them. In a moment every musket fell. Three cheers were given and the band struck up music to the old tune of 'Hail Columbia.'" Shall this flag be trailed in the dust? [Cries "No."] Shall its glorious stars be divided and scattered in confusion over the face of the earth? No! by the blessings of Almighty God, by the memories of our fathers, by the worth of human liberty, it shall remain, a proud emblem of national freedom and the ensign of national greatness. [Cheers] And whether it shall float aloft in holiday triumph upon the summer breeze, or whether it shall be seen (as I have numerous specimens in my office now) pierced with bullets, amid the cloud and smoke of war—wherever it shall be seen upon this earth by the oppressed of every land, it shall be hailed as the bright and glorious emblem of freedom.

Fellow-citizens, I must conclude, but before doing so I must mention one thing—that your city has so munificently provided, not only for those who are going to the war, but also the families they leave behind. We must remember that they leave families. Those families they love dearly. They leave behind them their wives and little ones. They go out to fight these battles for you and for me, for God, for liberty and humanity. In every town and city there should be provided a fund which should be literally exhaustless. It should be supplied from day to day, so that the soldier, when he is fighting beneath his flag, upon the most distant wild, can feel his heart to glow with the knowledge that his wife and dear little ones have friends and means to protect them in the home of destitution. [Applause.] I will only say in that connection, so help me God, so long as there is a dollar in the State Treasury and I am your Governor, I will bring back every wounded and sick man I can from the battle field. [Cheers]

We will rally round this glorious old flag of ours until the Union is restored, until the majesty of our laws is vindicated, until the last armed foe of the Constitution shall either be slain or driven from the land, until we can see that old flag again proudly flying—with not a star obscured nor a stripe erased, and pray that so it may float forever. [Long continued cheers.]

157
M E S S A G E

OF HIS EXCELLENCY,

RICHARD YATES,

GOVERNOR OF ILLINOIS,

TO THE

GENERAL ASSEMBLY.

JANUARY 5, 1863.

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MESSAGE.

Gentlemen of the General Assembly :

INTRODUCTION.

The duty of addressing the assembled Legislature of the State again devolves upon me amid events painful to every patriot. A most causeless, yet most gigantic, civil war still continues to ravage the land. To-day many a desolate hearth-stone mutely appeals to Heaven for protection to the widow bereaved, the child made fatherless, the brother or sister stricken with the sorrow that no earthly hand can soothe. To-day the enemies of our country, of its unity, its nationality, and its glorious old flag, proudly defy the constituted authorities, and with fire and sword, with all the dread enginery of war, are madly striving to tear down that magnificent temple of constitutional liberty which the hands of our patriot fathers so carefully raised, and the stones of which are cemented with their blood.

Amid such shocking scenes, amid calamities, which, a few short years since, it had not entered into human imagination to conceive, it is with a deep sense of the responsibility of my position, that I proceed to the task before me. Under ordinary circumstances, it well becomes us to be modest of our own merits and abilities. But when compelled to witness the agonies of our country, writhing in the very throes of dissolution, individuals become dwarfed in stature and the soul of the proudest and bravest pauses awe-struck at the march of events.

Under such extraordinary circumstances, then, as those which now surround us, does it doubly become us to look less to our own proud hearts for strength, and more to the sustaining power of that God, who ever disposes of all that man proposes.

PROGRESS OF STATE.

Still, amid all the frightful calamities attendant upon war, and doubly so upon one waged by two sections of a common country, there are some sources of consolation, not altogether dried up. Our State has nobly stood by the Constitution and the Union. She has not faltered for a moment in her devotion. She has sent her sons in thousands, to defend the flag and avenge the insults heaped upon it by the traitor hordes who have dared to trail it in the dust. On every battle-field she has poured out her blood, a willing sacrifice. And she still stands ready to do or die in the glorious cause. She has also sent out the angel of mercy, side by side with him who carries the flaming sword of war. On the gory battle-field, amid the dying and the dead, in the hospital, among the sick and wounded soldiers of our State, may be seen her sons and daughters ministering consolation, and shedding the presence of a benign charity, which knows no fear; which dreads not the pestilence that walketh by night or the bullet of the foe by day.

In all these things Illinois has made herself the admiration, and excited the generous envy of her sister States, who have remained true to the Union. And in them we find consolation amid so much national affliction.

AGRICULTURE.

In the three departments of industrial progress—agriculture, manufactures and commerce—there has been a most remarkable development, and this notwithstanding the war has diverted so large a proportion of the most effective and most skilled labor of the country from its ordinary fields of usefulness.

Early in the history of our national disturbances, it became a matter of serious solicitude to the patriot, to know whether the agricultural resources of the loyal States could meet the draft which must, of necessity, be made upon them by the organization and long-continued maintenance of a large army.

Intelligent agriculturists, representing that system of labor, which under all circumstances and in every condition, has proven itself thoroughly loyal to good government, at once comprehended the full measure of their responsibility and the vital importance of their trust. So far as this State is concerned, the results are of the most gratifying character. New life, industry and intelligence

have pervaded every branch of agricultural production. Inventive skill, by its many improvements in machinery for farm culture, has almost entirely compensated for the withdrawal of one-third of the manual labor hitherto employed. The production of the old staples, corn, wheat, beef and pork, has not been sensibly diminished; while cotton, tobacco and molasses have assumed an importance among our annual crops, heretofore unknown. Of the last named an abundance has been produced the past year to supply the demand for home consumption, and, from experiments already made, I have reason to hope that our dependence on other portions of the world for SUGAR, will, in a few years, entirely cease. In anticipation of a diminished supply of other fibres for manufacture, the growing of wool, to which our broad prairies are so admirably adapted, has received a strong impetus. Many thousands of sheep have been added to our flocks, by purchases abroad, and it is confidently believed our next annual clip will fall little, if any, below that of either of the older States.

It is stated, on good authority, and believed to be true, that Illinois, for the past two years, has sent away food enough to supply ten millions of people; and that the surplus now on hand is equal to the amount sent off in any one shipping season. This immense production, with the evidence it affords of the extent of our resources, even in their present condition of limited development, is largely referable to the influence exerted and intelligence diffused through the medium of our state and county agricultural and horticultural organizations. The great mass of our people are and must remain, from choice or necessity, tillers of the soil. Upon the prosperity of the producing classes must depend, in either peace or war, the well-being of every other material interest of the country. They mainly fill, from their own numbers, the ranks of our armies and then maintain them in the field.

Congress, at the last session, extended to this great interest a national recognition, by the creation of a new department, especially designed to promote and foster it. Is it necessary to add that all legislation, state or national, which has for its object to afford aid and encouragement to the producing classes and dignify labor, is, in a government constituted like ours, eminently wise and proper?

For further information on this subject, I will refer you to the report of the agricultural society, now awaiting your order for pub-

lication. If the reports of this society could be published annually, the information to our farmers would be worth far more than the cost to the State.

PROSPERITY OF CITIES IN THE STATE.

Another of the most striking evidences of our prosperity, is the great increase in population and business of our principal cities and towns. Thus, during the past two years, our metropolitan capital has added nearly twenty-seven thousand to her population, rising from one hundred and nine to over one hundred and thirty thousand. Nearly all the other cities in the State have also largely increased in population.

WEALTH.

The total value of the real and personal property of the State cannot fall short of a thousand millions of dollars. The census of 1860 places it at \$871,860,282. This exceeds that of states much older than ours. Thus, Missouri is set down in the last census returns at only five hundred millions, and Kentucky at about six hundred and sixty millions.

An examination of the census of 1860, just published, shows with what rapid strides Illinois is outstripping all the other states in agricultural products. Ten years ago behind many of them, she is now contesting the palm for the first in almost every one of the staples. She now produces twice as much corn as any other state—almost twice as much wheat; in neat cattle, the first; in hogs, but little behind Ohio; and in the value of live stock of all kinds, she is already the second state in the Union. And here it is proper to add, that the valuation of property by our county assessors is by no means a proper criterion, as it is well known to be, in many cases, very variable, and in all absurdly low. The question arises whether it would not be better, for the interest of the State abroad, to have the assessments higher and the taxes lower. And also, whether some measures may not be devised for the equalization of assessments throughout the State.

POPULATION.

In population the State has also increased in a very rapid ratio, rising from the seventh state in the Union, in 1850, to the fourth in 1860, leaving behind in the race many of her older sisters.

Thus, in 1820, Illinois had a population of but 55,161 and Missouri 66,517, and in 1860 the population of Illinois rose to 1,711,951, while that of Missouri only reached 1,182,612. By examining the last census returns, we shall see that no State has made such rapid strides in population and wealth as our own. In ten years, at our present rate of increase, we will be the third state in the Union. In twenty years we will be the second, if not indeed the first in population, and the third in wealth. Such progress, unprecedented in the growth of states or empires, opens up a future to the vision of the political economist, pregnant with new ideas, as regards the progress of American civilization. In less than half a century, Illinois has sprung out of the wilderness into a full grown civilization, teeming with all the blessings of a most happy and prosperous condition of society, as Minerva is represented in heathen mythology, full robed in wisdom and beauty, leaping from the brow of Jove.

RAILROADS.

In railroads Illinois is really the first, though, nominally, the second state in the Union. We have now over 3,000 miles of railroads intersecting the State in all directions, north and south, east and west. Ten years since, we possessed in all but ninety-five miles within the entire limits of the State. The cost of construction of all the railroad property in the State, at that period, was but \$1,440,507. In 1860, it was \$104,944,561. Probably the history of the world does not present such an instance of progress. Were it not for these roads, the war, which closed up the Mississippi river to our commerce, would have fearfully crippled our resources. By these roads we have been enabled to send forward immense quantities of agricultural products to market. Thus the roads and canal centering in Chicago, delivered, in 1861, nearly 60,000,000 bushels of grain, 675,000 hogs, and nearly 60,000 head of cattle. In 1862, I learn that they will have delivered nearly 70,000,000 bushels of grain, 900,000 to 1,000,000 of hogs, and over 170,000 head of beef cattle.

If the commerce of other railroad centers could be obtained, it would doubtless exhibit an amount of business done by all the railroads in the State, which would very far exceed the travel and traffic of the Mississippi river in its palmiest days. So that we have, to some extent, been compensated for the loss of that river

by those artificial and rival means of communication, which are no doubt destined, in the progress of civilization, to supersede, to a great degree, the merely natural channels of commerce. Many of our citizens, and a portion of the press of the State, have complained of the monopoly of the commerce of our State, which the railroads have possessed, since the closing of the river. But I do not see how it could have been avoided. The same monopoly would have existed, on the other hand, had the railroad communication been interrupted, and that by the river only left open. The only way to prevent all such monopolies of the means of transit, or at least to mitigate their evils, is, by the encouragement of new enterprises, so that by competition we may be able to successfully oppose combinations and monopolies of all kinds. But in the end, all these matters, if left to the inevitable laws of trade and commerce, of supply and demand, will most certainly regulate themselves.

OPENING OF THE MISSISSIPPI.

Notwithstanding, however, that the railroads have, to some extent, served as a substitute for river communication, still the loss to the great Northwest, in this respect, is incalculable. Ten millions of our people are deeply interested in the navigation of the Mississippi. The price of every article of western produce has been reduced in consequence of its obstruction. Our flour, wheat, corn, cattle, and hogs, are taxed with such rates for overland transportation as materially to reduce the prices at home. Once remove the monopoly enjoyed by the railroads, by bringing the Mississippi into competition with them, and every article of western produce would probably command twice the price it now brings.

From the commencement of the war, I have strictly kept in view, and, on all proper occasions, earnestly recommended the policy of keeping the great natural thoroughfare of the West unobstructed. I submit, herewith, a copy of the correspondence between the Governors of Ohio, Indiana, and Illinois, with Gen. Scott, upon this subject. In this correspondence the Governors recommended the immediate occupation of the Ohio and Mississippi rivers by Federal troops, at Cairo, Memphis, and every important point, with the paramount idea of keeping those rivers open to the two hundred millions of dollars of our commerce, as a

means of transportation of our munitions of war, enabling our armies to deal destructive blows upon the enemy from various bases; also, as a means of strengthening our own positions and giving aid and protection to the Union sentiment of the slave states bordering upon them, by having present a sufficient force to protect loyal men in the expression of their sentiments, and in their property.

There can be no doubt, that in the multitude of enterprises demanding the attention and efforts of the administration, it has too long delayed this. It is a source of mortification to all western men, that the Mississippi should have remained so long obstructed, when every man of us at the West, has felt, and still feels, that it can be opened whenever western valor is appealed to and brought to the accomplishment of that object. Indeed, it is not only an immense loss to the whole Northwest, but directly touches the pride of her loyal people.

We have now reason to hope that the administration will boldly and effectually press forward the enterprise. At the same time, from all our Legislative bodies, from the press, and the people, should go up a united expression, demanding that, throughout its entire length, the Mississippi shall remain unobstructed to our commerce, our gunboats, our troops, and our munitions of war.

MANUFACTURES.

Notwithstanding that our State has not more than entered upon the first division of the three grand departments of industry, into which civilization naturally divides itself, namely, agriculture, still some considerable advances have been made in manufactures. Many centers, destined in the future to become great emporiums of industry and art, have been established. The crude elements of manufactures and the mechanic arts exist in profusion all through our State. All that is needed is the plastic hand of skilled labor to fashion them into articles of use and luxury. Our coal mines are more extensive and richer than those of any other state, or even nation, in the world. The geological survey of the State discloses the fact that the value of the coal bed underlying the county of Perry alone, at the low price of one dollar and fifty cents per ton, amounts to three billions and two hundred and fifty-nine millions of dollars. Our lead mines are inexhaustible. We also,

possess beds of iron ore and other mineral treasures, as yet, but partially developed, and which only await the combined industry, skill and capital of civilized man to make them useful to society. Illinois is, thus, not a merely agricultural State. On the contrary, it possesses more than is common to other States, of those elements which go towards building up agriculture, manufactures and commerce, in such a beautiful and perfect proportion of parts, that one necessarily rests upon and sustains the other, and all combine to present a picture of the only true civilization—that in which employment exists for every individual, according to his ability, and the bent of his genius. In truth, Illinois, more than any other State, presents all the elements of national greatness. Massachusetts is famous for manufactures, New York for commerce, Pennsylvania for coal, Ohio for hogs, Missouri and Indiana for corn, Virginia for wheat. But Illinois is famous for all combined. She rivals New York in her commerce, Pennsylvania in her coal, Ohio in her hogs, Missouri and Indiana in their corn, and Virginia in her wheat crop; and it only rests with ourselves to rival Massachusetts in her manufactures, for we have the elements of them in boundless profusion. As a merely agricultural State we shall always remain in an infantile and undeveloped condition. As a merely manufacturing State, without agriculture, we would possess no basis upon which to sustain life. While without commerce, means of communication, railroads, etc., we could never unite both agriculture and manufactures in the indissoluble bonds of a unity, that at the same time admits of an indefinite variety.

We should encourage manufactures and the mechanic arts by every possible means not absolutely injurious to other interests. In the end such encouragement brings its reward with it. By so doing we create a home market for our agricultural products, vary those products in an almost indefinite degree, and thus create new fields of labor and open up additional channels of trade and commerce. It has been often well said that he who makes two blades of grass to grow where but one grew before is a benefactor to the human race. How much more, he who creates a new means of employment for hundreds and thousands of his fellow men?

In 1861, in the city of Chicago, a single point of manufacturing enterprise in the State, \$6,537,000 were invested in the buildings and machinery of the various branches of mechanical and manufacturing industry. In these establishments articles to the value of

\$17,000,000 were produced, while eleven thousand persons were provided with employment. These figures will doubtless be increased, rather than diminished, by the returns of the past year. The census of 1860 gives the capital invested in real and personal estate in the manufactures of this State, at \$27,700,000; the value of raw material of such manufactures, at \$33,000,000; and the value of the annual product, at \$56,750,000. The number of establishments is 4,100; the number of persons employed, 24,370. In productions of manufacture, Illinois is already the seventh state in the Union.

THE GEOLOGICAL SURVEY.

At the close of the last session of the Assembly a bill was passed appropriating one thousand dollars for the benefit of the State Library, with an amendment, abolishing the Geological Survey. I considered it my duty to withhold my approval of this bill, on account of the amendment, and I trust to your wisdom for a reconsideration. The special reasons for my action in this matter will be stated in a separate veto message. And I wish, now, merely to call your attention to the importance of such a thorough scientific and practical survey of the State, as shall exhibit the full extent of our natural resources, our coal lands, our lead and iron mines, our building materials, marbles, and limestones, our salt and mineral springs, and to the advantage of making them more generally known, and of calling the attention of enterprising men to the exploitation of our wealth. These explorations would show to the world that we have not only broad acres of fertile land, facilities of commerce, and the elements of manufacture, but that we, also, strive to develop our resources to the best advantage, with all the aids of science, and a full knowledge of their extent and value. Our State is, generally, supposed to be merely grain growing, and dependent, for all time to come, upon other states for the manufactured articles which it consumes. This opinion was forcibly brought to my notice some time ago, while traveling in the cars, with the governors of Pennsylvania and Ohio, through the former state. On meeting a large coal train Gov. Curtin remarked: "There is the wealth of Pennsylvania. In Illinois, I suppose, you count your wealth by the bushels of wheat and corn, and you in Ohio by the weight of your pork." "Yes," I replied, "but the day will soon come when we, in Illinois, will, besides our golden harvests

of grain, raise as much pork as Ohio, and turn out as much coal as Pennsylvania. While your coal is high up in rugged mountains, scarcely accessible to the iron horse, and remote from the centers of manufacture, ours is easily accessible, close to railways and navigable rivers, in the midst of districts of surpassing fertility."

Illinois, in the year 1860, was the fourth state in the Union, in the number of bushels of coal produced. I predict that our State will before long be the commercial center of the Union, as it is the geographical. From the report of the State Geologist, it will appear that this prediction is more than likely to be fulfilled. He estimates the amount of coal in a single county, which is not favored beyond many others, at over two thousand millions of tons, enough to form a permanent source of wealth and undreamed of development. Should we, then, abolish a survey which invites the manufacturer and mechanic and teaches us such lessons of future greatness and points out the way of attaining it? The proud position which our State has attained in the Union demands that we should not now lag behind our sister states, but, with an enlightened policy, foster an undertaking which reflects high credit upon the State, while it is calculated to advance our material prosperity: and even at the present time, when all our energies are strained to put down a gigantic rebellion, it would be unwise to withhold a comparatively small appropriation, and thus stop the work and cause the loss of a large portion of the valuable material already collected.

Accompanying, I submit a short report of progress by the State Geologist, from which it appears that during the last year the survey has been vigorously prosecuted. Quite a number of counties have been examined, and detailed geological maps executed of several of the explored districts. Several colleges and scientific institutions have been furnished by the survey, at their solicitation, with collections of duplicate specimens, forming a most welcome addition to their means of information.

A lengthy report of the State Geologist, of considerable scientific value, embodying the labors of the present State Geologist, the assistants, and of several prominent scientific gentlemen, who aided him in special departments, up to the end of 1860, was submitted at the last regular session of the Legislature, which failed to make any disposition of it.

EDUCATION.

For a view of the condition and prospects of the Normal and Common schools of the State, and of the invincible arguments by which their maintenance and improvement are supported, you are referred to the masterly report of the Superintendent of Public Instruction. I have examined that report with profound interest and attention. It reveals the gratifying fact that the great interests of education have suffered far less, from the stormy events which have marked almost the whole period which it embraces, than could reasonably have been expected. Indeed, the present condition of the public schools is, in several important particulars, more prosperous and hopeful than ever before, while the number of students in the Normal University is considerably larger than at any former period.

Most if not all of the amendments of the last session of the General Assembly, have been found to work well, while the effects of grading county certificates and granting life certificates to teachers of distinguished merit, have been particularly auspicious. But I do not propose even a synopsis of the Superintendent's report. I merely solicit for it the earnest consideration which the magnitude of the themes presented, and the great force and convincing ability with which they are discussed, so justly entitle it, and to recommend a continuance of that enlightened and liberal policy with reference to free schools, which has already done so much for the honor of the State, and the fruits of which are to be enjoyed by ourselves and future generations.

COLLEGES FOR THE BENEFIT OF AGRICULTURE AND THE MECHANIC ARTS.

Your attention is, also, called to an act of Congress donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts, approved July 2, 1862.

By this law there is granted to the several states, upon the conditions specified therein, an amount of public land, to be apportioned to each state in the ratio of 30,000 acres for each senator and representative in Congress, to which the states are respectively entitled by the apportionment under the census of 1860, the interest arising from the sales of which lands shall be inviolably appro-

propriated by each state, for the purpose of the endowment, support and maintenance of at least one college, where the leading object shall be to teach such branches of learning as are related to agriculture and the mechanic arts, and military tactics, without excluding other scientific studies.

One of these conditions is, that no state shall be entitled to the benefit of the act, unless it shall express its acceptance thereof, by its Legislature, within two years from the date of its approval by the President.

The eminently worthy objects of this munificent donation will unquestionably meet with your warm approval and indorsement. The agricultural interests of our great State are far in advance of all others, and every measure which tends to the development of our resources, the advancement of agricultural knowledge, and improvements in our mechanical arts should receive our encouragement and support. I commend, therefore, this subject to your careful and earnest consideration, and recommend that the necessary laws be passed to avail our State of this grant.

STATE BENEVOLENT INSTITUTIONS.

The reports of the various State benevolent institutions at Jacksonville—for the blind, insane, and deaf and dumb—have not yet reached me. When they are presented, I shall submit them to the General Assembly. I recommend that the usual appropriations for these institutions be made as heretofore, on the grounds of obvious necessity and charity. Provision should be made in all well-regulated communities for persons so unfortunately mentally or physically afflicted as to be unable to maintain themselves.

THE NEW PENITENTIARY.

By reference to the report of the Penitentiary Commissioners to the Auditor of Public Accounts, which will be laid before your body, it will be seen that the total expenditures to this date in the construction of the penitentiary amount to \$752,352 85. It will further be observed that of the appropriation of \$226,000 48, made by the last General Assembly, to carry on the work, there has been expended \$223,725 43 up to this date; and that additional work, amounting to \$116,388 00 has also been done; for which the Commissioners have issued to the contractors their acceptances.

payable when the Legislature should make an appropriation to cancel the same.

In their report, the Commissioners have set forth in detail what seem to be well-founded reasons for the course they have pursued. They likewise present a carefully prepared estimate of the amount that will be required to complete that work. From all the information I have been able to obtain upon the subject, it would appear that the appropriation made by the last General Assembly has been judiciously and economically expended; and that the estimates for the final completion of this important work are reasonable and just.

I, therefore, respectfully recommend that the necessary appropriations be made to pay the Commissioners' acceptances and complete the work.

The last General Assembly enjoined upon the Commissioners the duty of presenting to the present Legislature a system for the future control and management of the penitentiary. In pursuance of that requirement, they have prepared and will present for your consideration a bill, embodying some of what they deem to be the most desirable features of the systems governing such institutions in other states. This is a subject which ought to, as I doubt not it will, receive your most careful consideration.

The State, at a large expense, has now nearly finished one of the most extensive and complete penitentiaries in the world, embracing all the modern appliances for the safety and well-being of the convict. It now devolves upon you to adopt such a system for its future management as shall be in harmony, as well with the vast outlay of money by the State in the erection of so extensive a work as the most approved methods of conducting penal institutions. I bespeak such attention to the views of the Commissioners, embraced in their reports to the General Assembly and the Auditor, as their careful study of the whole subject would seem to merit.

UNITED STATES ARMORY, ARSENAL AND NAVAL DEPOT.

As these important public buildings will undoubtedly soon be located at some points in the West, and the various states will enter into a natural and proper rivalry therefor, I cannot too strongly urge you to memorialize Congress upon the subject, and to present the strong claims and superior advantages which our State pos-

sesses. Most surely we can hold out every inducement—capacious harbors, navigable rivers, water-power, material for building ships and manufacturing arms, coal, railroad facilities and connections—and whatever else is necessary in these public works in as great abundance, as cheaply, and of as good quality as any other state in the Union.

THE ILLINOIS AND MICHIGAN CANAL ENLARGEMENT.

Congress has now under consideration the subject of the enlargement of the Illinois and Michigan Canal, so as to allow the transit of steamboats and vessels of war from the Mississippi to the Lakes. As a great military measure, enabling us to concentrate our military force from the South and the Valley of the Mississippi upon the Lakes, or to send our fleets from the Lakes down the Mississippi, to meet any emergency of the country, this work cannot be excelled in importance. Considered in its bearing upon the commercial, manufacturing and agricultural interests, it is of the utmost magnitude. But not only this, it would be another bond of union between the North and the South, the East and West, bringing all into closer relations, by increased inter-communication over this great continental thoroughfare. I therefore recommend to the General Assembly that Congress be earnestly memorialized to construct this great national work.

In this connection, I submit, herewith, a letter from the President of the Central Railroad, of date December 3, 1862, for a union of the waters of Lake Erie and the Hudson river, by the enlargement of the Erie Canal to dimensions large enough to float lake vessels through, without breaking bulk. I think this a subject also worthy of being brought to the attention of Congress. The State of Illinois has a deeper interest in the construction of both these last named works than any other State, because her capacity for production is boundless, and every year she has a surplus far beyond her local wants. All she wants to give value to her present surplus, to increase her future production ten-fold, and in every conceivable manner to add to her wealth and prosperity, is **WAYS TO MARKET.**

ILLINOIS CENTRAL RAILROAD.

It is with regret I mention that the Illinois Central Railroad Company has failed to pay the State, both the June and December installments of the seven per centum proceeds of the road, due

in December, 1861, and June, 1862. The Auditor has caused a suit to be instituted against the company, which is now pending. The road being a north and south one, seems to have been much embarrassed by the blockade of the Mississippi, reducing largely its receipts from the southern end of the road, and also from the fact that it has been required to afford military transportation to the United States at one-third less than the average rate allowed to other roads. Two points of difference have arisen between the president of the company and the State authorities. The company claims the right to have audited against the State the sum of \$116,719 08 for military transportation, partly ordered by the State authorities. They do not claim that this sum can be legally set off against the seven per centum gross proceeds due the State. The president disavows any such claim. He claims, however, that the United States refuses to pay this amount until the Board of Army Auditors have audited the claim against the State, as the accounts of other roads have been audited.

On the other hand, it has seemed to me that, as by the terms of the charter, the road was "to be free to the United States;" and, as the company had entered into a contract with the United States, as to terms of transportation, and stipulated for compensation for rolling stock, and additional expense incurred, growing out of increased demand upon the capacities of the road, that the claim of the road, for its transportation account, was properly chargeable to the United States and not to the State. I have interposed no objection to the Board of Auditors certifying to the performance of the service and the correctness of the account, but could not see that the State should charge herself with the debt and wait the pleasure of the Government for reimbursement. It is not clear that the claim, once audited against the State, would not become a legal set-off against the seven per cent. gross proceeds due the State. In such case, the United States failing to reimburse in time, the State would, to that amount, be unable to purchase interest paying State indebtedness, to which purpose the seven per centum of the gross proceeds is to be specifically applied, as directed by the terms of the charter of the road.

The other point of difference, and now pending by friendly reference to the Supreme Court, is this: The president of the company claims the right to report, as the gross earnings of the road, the amount received in currency reduced to a specie basis, or a

discount equal to the difference in the market value between paper and specie. I cannot controvert the equity of this claim, in so far as the company may have actually and necessarily sustained loss in paying out the currency or buying exchange, because the company could not be expected to refuse the common currency of the country in the payment for transportation, received by other roads; and because, also, so far as currency was received, that would be "gross proceeds," of which seven per centum would be due the State in currency, and not in specie without discount. But, while I could not deny the equity of the discount claimed, I did not believe that, as an executive officer, I would have the right, without special authority from the Legislature, to allow the discount, because it would devolve upon me a *judicial* duty to determine what the discount actually had been, from day to day, in the fluctuations of value. The report of the president is required by the charter to be verified by affidavit, and I think it would be just to the Central Railroad, if the General Assembly would confer upon me the power to settle with the company, allowing it the discount actually sustained, as verified by the oath of the president. It would be proper, I think, also, for the General Assembly to pass a declaratory law, authorizing the company to receive the common currency of the country, and requiring exact accounts to be kept from day to day of losses actually sustained, verified by oath, and that the State should collect seven per centum of the amount received in dollars, first deducting the amount of such losses.

It is to be said, in behalf of this company, that they have most promptly, willingly, and uncomplainingly responded to all the calls of the Government in the transportation of troops; and very many cases have come to my knowledge, in which they have transported our sanitary stores, and nurses, and moneyless sick and wounded, without expense. Indeed, from the best information I can get, it may be said, of all the roads of the State, that they have promptly met the calls of the Government, in its present emergency. So far as abuses may have occurred, in all cases, I suppose, they have been without the approval of their chief officers.

It is proper to state, that in no event can the State lose its seven per centum of the proceeds of the road, because the 24th section of the charter provides that "the State shall have a prior lien

upon said road and branches and all the appurtenances and stock thereof, for all penalties, taxes, and *dues*, which may accrue to the State from said corporation, as provided herein; which lien of the State shall take precedence of all demands judgments, or decrees against said corporation."

THE BANKS—CURRENCY.

The out-break of the present unprecedented rebellion found us with a circulation of bank notes, under our banking law, of over \$12,000,000; secured by State and United States stocks to the amount of over \$13,000,000. About three-fourths of this sum was made up of stocks of the southern states. Of course, so fast as these states threw off their allegiance, and arrayed themselves under the banner of rebellion, confidence in their credit, in a great measure, was destroyed, and their stocks rapidly depreciated in value. From ninety and one hundred cents on the dollar, they soon fell to forty and fifty.

Whenever the securities of any bank, by this depreciation, fell below the amount required by law, the Auditor gave the necessary notice, requiring the owner to make up the deficiency, and failing to do this, it was at once placed in liquidation, and the assets sold. This result could not have been foreseen or provided against. The direct consequences of a war, in any country, are, to disturb its financial operations. The channels of trade are obstructed and changed, a speculative feeling and new demands produce a revolution in prices and exchanges, and a general derangement in all the great interests of trade and business is sure to follow; regularity and permanence are succeeded by fluctuation and change.

The loss at the time, to our citizens, from this failure of securities, was immense; but it could not have fallen upon them at a time when they were better able or prepared to sustain it. Uninterrupted prosperity, unequalled in the history of any state or nation, had characterized and attended all the material interests of our people. Unparalleled harvests, the rewards of their industry, had filled their granaries, and brought to our farmers rich rewards. As great as the loss was, such has been the appreciation in gold, (for which the bonds sold,) that those who have been able to hold their bills until this time will be able to realize their par value, in many cases far in excess of it.

The amendments which were made to the General Banking Law, at the last regular session of the Legislature—designed to prevent the issue of any more circulating notes to the banks, exceeding three times their actual cash capital, and absolutely prohibiting any issue except in cases where an actual and *bona fide* capital of at least \$25,000 exists—seem to have answered the intended purpose. It is believed that the circulation of our existing banks is well secured. I suggest, however, to the Legislature the expediency of further legislation in relation to the custody of the bonds. In my message to the Legislature, at its opening session, of 1861, I recommended “that provision be made against illegal transfers or removals of bonds from the custody of the State Treasurer, by the use of a stamp or seal, or other identification, which would prevent their being negotiated.” As this is the only great risk the bill-holders run, I suggest whether it would not be well to require an absolute transfer, by indorsement upon the bonds, of the securities deposited for circulation, to the State, and a provision for their cancellation, and the issuing of new bonds when said securities should be taken up by the bank or Auditor, for purpose of sale, under the provisions of the law. I understand such provision exists in some of the states—in one, where I am told that, previously thereto, securities had been abstracted from their depository. So great has been the injury to the people of this State from losses on securities deposited for circulation, (though, I am happy to say, no loss has occurred in this State, from the fault of any custodian of such securities,) that no precaution for the protection of the public should be omitted.

The subject of the currency is one of the most intensely interesting to the people of the State. The circulating medium controls and regulates all our industrial interests. In war and peace it is the great engine that moves both men and merchandise, distributing, as it does, the very life-blood of the body commercial and industrial. Any sudden change in the currency of the State or nation is to be deprecated, because its effects are felt through all the ramifications of commerce, and even society itself, for good or evil. If the results be beneficial, they are most generally counterbalanced by great wrongs inflicted on some portions of the community or some branches of business. If they be evil, the whole community suffers to such a degree as to completely paralyze every branch of industry. I would consequently recommend great care and pru-

dence in all your action looking to this most important subject, as the interests of the entire State are involved therein. We are also living in times of great political changes, the like of which had not before been experienced, and such as have in all times involved great financial perturbations. The secession of the revolted states cost our people millions of dollars through the depreciation of their stocks held as security for the circulation of our banks. Now, however, I am happy to state, only the stocks of our own State are used. Thus, it behooves us, not only from motives of interest, but from the instinctive feeling of loyalty existing in the breast of every true patriot, that we should take especial pains in preserving the currency of our State on such a basis of solid security as will make it the pride of our own and the admiration of every other people.

UNIFORM CURRENCY BETWEEN THE STATES.

I do not know of a more appropriate period than the present for calling your attention to the propriety, and indeed necessity, of a more uniform system, as between the states, in respect to matters of currency, and many other subjects of general legislation. Such uniformity would tend to more closely knit the states together.

It will strike any person at all conversant with monetary affairs, that a currency of uniform value throughout the entire country is greatly to be desired. It tends to the more perfect regulation of our system of trade and commerce, obviates ruinous differences in the rates of exchange, and makes it the interest of the whole people to uphold and protect the representative of value, whatever it may be. Every man who holds a five dollar treasury note has so much interest in upholding the common country. I have no doubt had a uniform currency existed throughout the Union, previously to the breaking out of the rebellion, our relations would have been so interwoven as to have rendered it difficult for the traitors to have consummated, to the extent now unfortunately existing, the secession of the revolted states. The initiative upon this subject could be happily taken by our State in recommending to other state legislatures some basis for a currency to be adopted as nearly as may be with a view to bring about the uniformity so much to be desired.

STATE DEBT.

Since the last regular meeting of the Legislature, in addition to the payment of interest, the following amount of State indebtedness has been liquidated, viz:

With the State debt fund, principal and interest,...	\$38,260 06
With the Illinois Central Railroad fund,.....	20,140 93
Interest stock paid under Governor's proclamation, since January 2, 1861,.....	12,000 00
	<hr/>
	\$70,400 99

The amount and specifications of the remaining debt on the 1st day of December, 1862, were as follows:

Illinois bank and internal improvement stock, due after 1860,.....	\$31,000 00
Illinois internal improvement stock, due after 1870,.....	42,000 00
Illinois and Michigan Canal stock for N. C. R. R., due after 1860,.....	3,400 00
Internal improvement scrip, payable at the pleas- ure of the State,.....	21,293 39
Liquidation bonds, payable after 1865,.....	243,890 21
New internal improvement stock, payable after 1870,.....	1,970,966 84
Interest bonds of July, 1847, payable after 1877,...	1,322,985 33
Interest stock of 1857, payable at the pleasure of the State,.....	737,223 59
Three certificates for arrears of interest,.....	1,363 83
Refunded stock (coupon bonds,) (see exhibit,)....	1,951,000 00
Normal University bonds, due after 1879,.....	65,000 00
Thornton loan bonds, due after 1879,.....	171,000 00
Balance canal claims, Thornton loan,.....	14,624 61
War bonds due after (\$50,000 for revenue purposes,)	2,050,000 00
	<hr/>
Illinois and Michigan Canal bonds, payable in New York,.....	\$1,856,100 00
Illinois and Michigan Canal bonds, payable in London,.....	1,777,822 23
	<hr/>
	3,633,922 23
Interest certificates canal stock, unregistered,....	19,713 38
Canal scrip,.....	4,039 02
	<hr/>
	\$12,283,422 43
Macallister & Stebbins bonds,.....	53,958 94
	<hr/>
Total debt,.....	\$12,337,381 37

REVENUE—RECEIPTS AND EXPENDITURES.

The receipts into the treasury for revenue purposes for two years, ending November 30, 1862, including the amount of the two mill tax and other funds transferred to the revenue, in accordance with the act of February 8, 1861, and the amount of said funds paid directly to the credit of revenue by virtue of the same act, together with the receipts of revenue from all other sources, as appears from the report of the Auditor, is \$1,775,239 87.

Of this amount there has been paid out in the same period for the ordinary and contingent expenses of the State government, as shown by the Auditor's report, the sum of \$864,007 04.

For special appropriations, including the carrying on of the works of the new penitentiary at Joliet, and improvements of various kinds constructed at the State charitable institutions at Jacksonville, the further sum of \$531,271 83.

There has also been paid the further sum of \$5,263 81, in redemption of warrants issued previously to December 1, 1860.

The above sums, paid out, amount in the aggregate to \$1,400,542 68, leaving in the treasury, on December 1, 1862, \$374,697 19.

On the first day of December, 1860, the treasury was completely drained of revenue, as can be seen by reference to the reports made to the last General Assembly.

INTEREST FUND.

The amount of interest fund received during the two years covered by the reports of the Auditor and Treasurer is \$1,153,419 36.

This amount, with the sum of \$259,424 90, on hand December 1, 1860, and \$286,292 15 transferred from the revenue fund for the purpose of payment of interest on the public debt, as authorized by the act of February 8, 1861, makes, in the aggregate, \$1,699,136 41.

From this sum has been paid the interest accruing upon the funded debt of the State, amounting to \$1,338,153 41.

This leaves in the hands of the Treasurer on December 1, 1862, the sum of \$360,983.

Of this amount some \$334,911 97 will be required to meet the installment of interest due January 1, 1863. Also a further sum of \$40,164 92 will be required to meet the installment of interest due July 1, 1863.

This latter amount is, however, subject to variation, on account of the fluctuations in the rate of sterling exchange. The basis used in the calculation is 11 per cent. premium for exchange when purchased with coin.

The reason that a larger amount will be required for the July instalment of interest than for that falling due in January is because the interest on a part of the sterling canal bonds is payable annually, instead of semi-annually, as is the case with other bonds issued by the State.

The laws, governing the levy and rates of the tax for interest purposes, now in force, authorize the Auditor to levy, for the payment of interest on the debt, other than the "War Loan," a tax not exceeding one and one-half mills on the dollar of taxable property. The Auditor is also authorized and required to levy (in addition to the foregoing) such a rate of tax as will produce an amount sufficient to pay the interest on the "War Loan."

The taxes levied by the Auditor under these laws are one and one-half mills on the dollar for general interest purposes, and one-half mill on the dollar for interest on the "War Loan."

The first of these rates is the highest allowed by law. The last is presumed to be sufficient for the purpose of paying the interest on the "War Loan," no more than a sufficient rate for the payment of which interest can be legally assessed.

An examination of the statements contained in the Auditor's report, showing the amount of property assessed in the State, and of the statements showing the proportion collected of the taxes levied, will demonstrate clearly that the receipts of interest tax at the highest rates of levy now authorized will fall considerably short of the amount of interest to be paid. I presume that no change in the rates of tax for this purpose would be necessary, if reliance could be placed on the prompt payment of State taxes by the Illinois Central Railroad, as the fund derived from the payments of said company, together with all other surplus funds in the treasury, is by law made subject to the payment of interest. The experience of the past year shows that this source of revenue cannot, with certainty, as to time, be relied on. It therefore seems necessary that a higher rate of taxation should be authorized for payment of interest on the public debt. It will be for your honorable body to determine the proper rate to be authorized. My own opinion is that not less than three mills on the dollar of valuation will be found sufficient.

COLLECTION OF TAXES.

In view of the entire withdrawal of gold and silver, and the substitution of United States Treasury currency as a circulating medium, I cannot but deem it my duty to recommend the passage of laws authorizing the collection of State and other taxes in the national currency. The difficulty, amounting almost to impossibility, of obtaining coin at any rate of premium places it out of the power of the mass of the tax payers to discharge their obligations to the State Government in any other than the currency they, themselves, are required to receive for their labor and productions.

I am clearly of opinion that the effort to collect taxes in coin would only result in certain failure. I would, therefore, recommend this subject as one demanding your immediate attention. It is important that whatever action is had in the premises should be at the earliest possible date, the tax books being now in the hands of the collectors.

There is gold enough in the treasury, accruing from the interest tax, to pay the interest due January 1, 1863. There is also sufficient, including interest, revenue and Central Railroad funds, to pay that falling due in July, 1863. The revenue now collected to pay interest will also not be needed till the 1st of January, 1864. At that date, if foreign bondholders will not receive the Treasury notes, and if these notes will not command the amount due at par, it would perhaps be better to convert them into gold at a discount, if the credit and best interests of the State should demand it, rather than attempt the impossible task of collecting the taxes in gold and silver. Should the taxes have to be paid in gold and silver it is certain that the rates which our farmers and mechanics would have to pay for the precious metals would be ruinous.

THE WAR FUND.

The Legislature, at its called session, appropriated, for war purposes, the sum of \$3,550,000, as follows:

For the purchase of arms.....	\$500,000
“ expenses and pay of the ten regiments called into State service.....	1,000,000
“ Executive contingent war fund.....	50,000
Under the act creating a war fund.....	2,000,000
Making, as above,.....	<u>\$3,550,000</u>

Under these several appropriations the Legislature only provided for the issuing of bonds to the amount of \$2,000,000, and bonds have been issued and sold to that amount.

Notwithstanding the necessity of the sale of these war bonds at a time of great financial embarrassment, and when bonds from nearly every other state were thrown upon the market, the amount realized therefor was largely above their value in the New York market.

The condition of this account, in the aggregate, is as follows:

Amount received from the sale of bonds.....	\$1,767,395 00
“ received from United States, reimbursements of expenditures,.....	1,841,129 08
“ refunded to the treasury, on erroneous allowance,.....	565 43
“ returned to the treasury, undisbursed, for State troops.....	1,707 08
	<hr/>
	\$3,610,796 59
By amount of Auditor's warrants on this fund, paid and canceled,.....	3,595,695 26
	<hr/>
Leaving now in the treasury.....	\$15,101 33

Amount of warrants yet outstanding, is \$303,616 52.

Besides paying to the United States the quota of the direct tax assessed against the State of Illinois, there yet remains due to the State, from the United States, for expenditures embraced in the foregoing statement, and now pending for adjustment, the sum of \$779,998 00.

The amount of claims for which warrants have not, as yet, been issued, will not change the relative result.

It will be thus seen, although it was undoubtedly the intention of the Legislature to increase the State indebtedness to the amount of these war appropriations, that from the funds arising from the bonds sold, a debt of the State to the United States of \$1,146,551 has been liquidated, and that when the State shall have been fully reimbursed for claims yet unadjusted, the whole cost of the war to our State, from discount on bonds and all other expenses, outside of the direct tax laid upon us by the general government, aforesaid, up to this time, is less than half a million of dollars.

DIRECT TAX.

Your attention is called to a law of Congress, passed August 5, 1861, imposing a direct tax upon real estate of \$20,000,000. This sum was apportioned by the provisions of said act to the states respectively—the portion of the State of Illinois being \$1,146,551 $\frac{1}{3}$. The 53d section of said act, provides, “That any state or territory and the District of Columbia, may lawfully assume, assess, collect, and pay into the treasury of the United States the direct tax, or its quota thereof, imposed by this act upon the state, territory or District of Columbia, in its own way and manner, by and through its own officers, assessors and collectors; * * and any such state, territory or district, which shall give notice by the Governor, or other proper officer thereof, to the Secretary of the treasury of the United States, on or before the second Tuesday of February next, and in each succeeding year thereafter, of its intention to assume and pay, or to assess, collect and pay into treasury of the United States the direct tax imposed by this act, shall be entitled, in lieu of the compensation, pay per diem and per centage, herein prescribed and allowed to assessors, assistant assessors and collectors of the United States, to a reduction of fifteen per centum on the quota of direct tax apportioned to such state, etc. * * *And provided further*, that the amount of the direct tax apportioned to any state, etc., shall be liable to be paid and satisfied, in whole or in part, by the release of such state, etc., duly executed, to the United States, of any liquidated and determined claim of such state, etc., of equal amount against the United States.”

In pursuance of these provisions, on the 18th of January last, I gave the necessary notice to the Secretary of the United States treasury, that the State of Illinois would assume and pay its quota of said direct tax imposed on said State, and “that the mode of such payment will be by executing a release of an equal amount of the liquidated and determined claims of said State of Illinois against the United States, according to the 3d provision of said 53d section of said act.”

On the 31st day of September, 1862, I received an official notice from the Treasury Department, that “the sum of \$974,568 67 has been carried to the credit of the State of Illinois, in liquidation of her quota of the direct tax imposed on the State by act of Con-

gross, approved August 5, 1861, less fifteen per centum. The amount saved to the State by this mode of payment, is \$171,983.

In pursuing the course above indicated, in addition to the above sum, there were saved to the State the expenses of a called session of the Legislature, and the salaries of a host of new officers, or a large increase of the compensation of those already in existence, and the people relieved from the burden of this tax.

It will be necessary for the Legislature to pass the requisite enactment, approving and confirming my action in the premises.

By a subsequent act of Congress, approved July 1, 1862, the collection of this direct tax is suspended, after the first levy, [assessment] until the 1st of April, 1865, and no further action will be required until that time.

THE EXECUTIVE CONTINGENT WAR FUND.

In pursuance of the law passed at the last special session of the Legislature, I submit, herewith, a statement of the items of expenditures, and the amounts allowed out of the contingent war fund appropriated at said special session.

It will be seen that payments from this fund have been made for the uses and purposes following, to-wit:

For pay of clerks, etc., in Governor's office.....	\$4,041 90
“ “ “ assistants, etc., in Adjutant General's office.	8,732 71
“ “ “ assistants, etc., in Quartermaster General's office.....	6,610 00
“ “ “ assistants, etc., in Commissary General's office	4,398 00
“ “ “ members Medical Board.....	4,604 40
“ “ “ assistants in Ordnance Department.....	550 00
telegraphing, messengers, commissioners, agents, and incidental expenses.....	20,851 62
	<hr/>
	\$49,788 63

The greater number of our troops have been called into the field before their regimental organizations were completed, and before they were properly armed and clothed. To perfect the records of the Adjutant General's office, to render relief to the sick and wounded, and to remedy many evils complained of, I dispatched

messengers to the different camps, empowered to collect the necessity statistics, and to report upon the condition of our soldiers, and also to render immediate service to them. The services rendered by these messengers were invaluable.

It is a lamentable fact, that in every great battle which has been fought many wounded have been left for whole days without any one to minister to their wants.

I was also compelled to draw against this fund, for the purpose of paying expenses of messengers who were sent to Washington for the purpose of procuring acceptance of troops, obtaining arms, clothing, and adjusting the claims of the State for disbursements out of the war fund, etc. These services were of vital importance and could not be dispensed with.

In February last, with the news of the battle of Fort Donelson, came a demand from the officers and men of our brave army for surgical aid and hospital supplies. I immediately repaired to the scene of the late conflict with such assistance and supplies as I could procure for the relief of the sick and wounded.

Being fully satisfied, from most alarming representations, and from my own observations, that there were great suffering and destitution among our troops, and that the hospital department of the army was entirely inadequate to the wants of our soldiers, and that, especially after a battle, their privations were greatly increased from the want of proper medical stores and hospital supplies, I determined, on the part of the State, with the concurrence of the other State officers, to render, as far as possible, the assistance so much needed.

When the terrible, but glorious, battle of Shiloh was fought, with the least possible delay, I organized a large corps of surgeons and nurses, and with the steamer Black Hawk, proceeded to Pittsburg Landing. The wounded were in the most frightful condition. Many hundreds had been lying for days without having their wounds dressed. Many had died without even having been carried to their tents, and many were suffering from disease caused by want and exposure. They were without supplies or attention. Some were taken by us from the banks of the river, exposed to a hot sun, and many had to be left without transportation, and in the care of agents and nurses, to provide for them as best they might.

Being able to bring away but a very small portion of the wounded from our own State, I directed the Adjutant General, on

my return, to proceed again on the same errand, taking with him arms and clothing. The same necessity continuing to exist, I, again, with surgeons and sanitary stores, liberally supplied by our fellow citizens, visited the Tennessee river. Having hitherto only taken those sick and wounded found in the immediate vicinity of the battle field, I was met on this occasion with the following appeal from Dr. G. W. Stipp, Brigade Surgeon, at Hamburg:

"May 8th.—There are some two or three hundred sick and broken down Illinois soldiers at this hospital, who ought to be sent to some of the hospitals north. Ohio, Indiana, etc., are sending boats to take their men away. Now, sir, if you can send a steamer to this point, she can be loaded in a day with sick, feeble and worn out boys. Old men, and some middle aged soldiers, if taken proper care of for a short time, could be returned to duty and the balance discharged. Would it not be well for you to visit this hospital and see the condition of the men?"

Having already loaded one boat, I procured another, the *City of Alton*, which was loaded at this point.

The reports of the officers in charge of these hospital steamers show that, under these auspices, over 1,200 sick and wounded Illinois soldiers were transferred from scenes of misery and suffering to the comforts of northern hospitals and homes.

The following letters from Dr. Charles McDougall, the veteran United States Medical Director at Pittsburg Landing, exhibit the appreciation and benefit of these services:

"Governor:—I have the honor to gratefully acknowledge the timely aid received from your patriotic State, in the floating hospitals for the accommodation of her gallant and brave sons, now prostrate from disease and wounds received in the battle of Shiloh.

"It will be my duty, as it is my pleasure, to co-operate with the distinguished medical gentlemen of your State now here to relieve the suffering sick. I am, etc."

"Governor:—I beg leave to renew the expressions of my obligations to yourself and the distinguished surgeon, Professor Brainard, as also the ladies and gentlemen of your mission, now on the elegant steamer, *City of Alton*, chartered by the State of Illinois to take to their homes the sick of your gallant State, for their efficient aid and hearty co-operation with the medical department in providing for the wants of the sick and wounded from the battle field of Shiloh."

Besides the aid thus rendered in conveying our sick and wounded to hospitals, my agents, then and since appointed, have assisted in providing for the transportation and wants of many thousands.

Many battle fields have experienced the kind ministrations of our surgeons and nurses.

In the performance of these duties heavy expenses were necessarily incurred, (accounts for which and vouchers therefor being on file,) and their being no other fund from which to draw, and deeming my authority ample in the premises, payments for these objects were disbursed from the contingent war fund, the eminently humane results fully justifying the appropriation.

The inability of the government to clothe, arm, subsist, transport and pay the troops—the difficulty of getting the accounts of the State adjusted and reimbursements from the United States, created the necessity of frequent journeys to Washington by myself and agents, as it was found impossible, in the immense pressure upon the departments, to accomplish much without persistent personal application. It was at length found necessary to adopt the plan of other states and appoint a State agent there. Hon. Thomas H. Campbell, formerly State Auditor, since deceased, was appointed, and gave his constant and laborious attention in the adjustment of the accounts of the State.

In the discharge of these and other duties of the executive department it is proper to mention that exemption from mistake is not claimed. Doubtless errors were committed; very often there was but little time for reflection, a multitude of things all pressing for attention at the time. Expenses were incurred; but at the time they were deemed indispensable and usually upon demand from the army, through officers, agents or letters, pressing hard for such articles as were indispensably necessary to the sick and wounded. I can now look back and see that much more of suffering could have been relieved and many necessities and comforts have been furnished our troops, without complaint from a great and noble State. At all events, I feel quite sure no one outside of the administration can have any fair idea of the magnitude of the task and the embarrassments it has encountered on every hand.

ALLOTMENTS OF PAY OF VOLUNTEERS.

Congress, on the 24th of December, 1861, passed an act requiring the President to appoint not exceeding three persons for each State, to visit the volunteers in the field and receive, "from time time to time, their respective allotments of pay to their families or friends." The law required that said commissioners should receive no pay from the treasury of the United States. I have been

unable to see why the Government should depart from the usual course of remuneration in this case, when, most certainly, the service required is one of the most difficult, responsible and useful character. Satisfied of the great importance of this service I have kept in correspondence with the two commissioners, who entered upon this service for Illinois soldiers, and know that they have devoted most laborious efforts to the proper discharge of their duties in conveying thousands of dollars to the needy families of the poor soldier.

I deem it my duty to recommend that proper compensation be allowed to said commissioners, at least for the time they have been absent from their homes in carrying out the objects of their benevolent missions.

THE MILITIA.

Upon the subject of the organization of the Militia of the State, I cannot add to the recommendations of January, 1860, except to urge a thorough revision of the laws now in force. These laws seem to have been passed more with reference to an organization for a time of peace than one expected to cope with the stern realities of actual warfare. The efforts which have been made for organization under these laws have failed; and I cannot see that any organization will be entirely successful which does not provide those under militia training with tents and other camp equipage, and, which does not also furnish subsistence during the time that the troops are required to remain in their camps of instruction. The United States would, I think, furnish arms, ammunition, etc., and should the troops be called into the field, reimburse the State for necessary expenses incurred. Under an organization of this kind Massachusetts had, at the commencement of the rebellion, six thousand of the best disciplined and equipped troops in the world, and was enabled to send them into the field upon very short notice.

At the commencement of the rebellion serious apprehensions were entertained of the occupation of Cairo by the rebels. There have also been some inconsiderable raids into the State by guerrilla parties. It is also believed, from the appearance of considerable bodies of cavalry from the Kentucky side of the river, that incursions would be made into the State but for the precautions in having our own troops posted on this side of the river to repel them. The attention of the Legislature is called to the subject of providing

against any emergency which might arise, involving necessary protection to our citizens and the proper defense of the State.

DRAFTING.

It is also suggested to the Legislature that provision should be made for drafting in all cases in which it may be necessary to repel invasion, suppress insurrection, and supply any deficiency in the ordinary militia organization. Indeed, cases may arise in which the State, unprovided with laws to draft, might be absolutely powerless, and the most serious consequences ensue. In these revolutionary times it is imperatively important that such amendments should be made to our present laws, as will enable the State to call out its full strength of militia upon the shortest notice.

MILITARY SCHOOLS.

The subject of military education, in the present condition of our country, with a war of vast proportions and consequences full upon us, is of such vital importance that I would be derelict in the discharge of my duties were I to fail to urge upon you its careful consideration.

While it is true that no nation on earth can so readily adapt itself to a state of war, or display all those qualities of courage and endurance, which constitute true heroism, it is also true that greater attention is paid to military training and to the encouragement of military schools in almost every other nation than in ours.

We have hitherto relied upon the intelligence of our people, the general diffusion of knowledge among us, and the beneficent character of our free institutions to save us from the calamity of war; and have sought rather to acquire knowledge in the arts of peace than to attain that military skill, which, in other countries, is taught systematically in schools and universities.

It has been the enlightened aim of our statesmen to conduct the affairs of the government for the promotion of the institutions of peace. It had also been confidently hoped that such had been our advance in civilization that war could be avoided. But nothing can demonstrate the fact that the last resort may sometimes be absolutely necessary, more than the present unwarranted and causeless rebellion. Under such circumstances it seems of vital importance that the soldier should be trained in a soldier's duties, and that espe-

cially the officers should have sufficient military knowledge to lead their troops to victory with the least possible loss of life. If when war comes it shall require months to train officers and men in the arts of war we cannot reasonably hope for success against a well instructed and well-drilled and disciplined enemy. A knowledge of mathematics, the uses of machinery, military drawing, modes of attack and defense, knowledge of artillery, etc., are of immense importance, if not indispensable, to the officers of our army.

In no way can we be so well prepared for war as in knowing how to meet it, and in becoming familiar with warlike preparation. It has been supposed that some system of military education can be devised in connection with our free schools, which, while it will reach all classes, will in a great degree accomplish the desired object without any material increase of the public burthens.

Many of our colleges and seminaries, within the past year, have organized, and attached thereto, military departments. I have been frequently solicited to furnish arms for the purpose of drill. I recommend that some provision be made on an economical scale to meet demands of this sort.

While I would oppose the building up of military academies by the general government, to a greater extent than is required for the education of those officers attached to the regular army, I would, on the other hand, give every encouragement to the inclinations of our people, as a State, in this direction, and stimulate every enterprise having for its object a general system of military training, and the diffusion of military knowledge.

BRIGADING OF TROOPS.

I call your attention to what I regard a serious disadvantage to the service. It has been the practice of the army of the Potomac and heretofore of the army of the West, instead of brigading troops from the same State under the command of its own generals, to so brigade them as not to have more than one or two regiments from the same State in a brigade. The tendency of such a course is to destroy local ties and attachments, and to weaken the feeling of state pride and of responsibility to their friends and neighbors at home, which would animate brigades constituted only of regiments from the same state, and commanded by state commanders. In thus dividing our regiments, placing Illinois men under commanders from other states, they lose their identity, and feel that

if they achieve glory it will not redound to themselves or their state.

Another point. In the early stages of the war, the patriotism of our citizens was so great that in each call our quota was more than full and thousands of Illinoisans entered the service in Missouri and other states. There is a strong desire on the part of all such to be recognized as Illinois troops, and the department at Washington has only partially responded to their wishes in this behalf. I desire to suggest to the General Assembly, that a memorial to the President and Congress, for a change in these last particulars, would, perhaps, meet with their favorable consideration.

ELECTION OF OFFICERS.

Here is another subject, in respect to which, I believe, the interests of the service would not suffer. That is for the General Assembly to petition Congress to amend its law of July, 1861, so as to confer upon each regiment and company in the service the election of its own officers. In consequence of the remoteness of the army, I find the greatest difficulty in exercising the power of appointment, even to my own satisfaction. It involves the necessity of deciding frequently upon *ex parte* statements. While endeavoring to adjust the scales as impartially and equally as I can, between Republicans and Democrats, I find that each complains that the other is unreasonably favored; which fact may be considered some evidence of impartiality. I must be permitted to claim that I have been fortunate in my appointments, from the fact that in no single state have the officers so generally distinguished themselves, or in which there have been so many promotions to the higher ranks, as in our own. Further, almost every colonel in the service, has proved himself worthy of promotion. Nothing has so far occurred in the conduct of our officers or men to show that many, if any, great mistakes have been committed in the exercise of the appointing power. But at the same time, I have the utmost confidence in the judgment and patriotism of the men composing the various regiments, and I could not fear that the power might be safely entrusted to them, if Congress can be prevailed upon to amend its law by taking the appointing power from the governors of the different states, and leaving the elections to the officers and men of the regiments. The Executives would then be relieved of a most laborious and unthankful service, which

consumes much time which could well be devoted to other great duties devolving upon them.

TAKEING THE VOTES OF VOLUNTEERS.

I desire to call especial attention to the importance of an enactment, making provision for taking the votes of the volunteers of the State in actual service. The fact that a man is fighting to sustain his country's flag should not deprive him of the highest privilege of citizenship, viz: the right to take a part in the selection of his rulers. The soldier should be allowed a voice in the nation for the existence of which he is placing his life in peril. The reason which has excluded the soldier in the regular army does not apply to the soldier in the volunteer service. The regular loses his state identity and, to a certain extent, local citizenship. The volunteer, on the other hand, does not. He still continues to be a son of Illinois, fighting under his state flag as well as the stars and stripes. A force of one hundred and thirty-five thousand volunteered to the field from our State. Of this number it is safe to say one hundred thousand are voters. And if they were not legally voters previously to enlistment, that act ought certainly to make them so. No man more justly owns the rights of citizenship than he who voluntarily takes up arms in defense of his country and its dearest rights. These men have as deep an interest in the selection of the representatives who are to a great extent to control and direct the destinies of the country, as any other class of persons. The Secretary of War most justly decided that he who votes must bear arms. Shall not the Legislatures of the different states respond by saying: "And who bears arms must vote?" I see nothing in our constitution which prohibits the enactment of such a law. On the contrary, section 5, of article III, of that instrument, provides that "No elector shall be deemed to have lost his residence in this State by reason of his absence on business of the United States or of this State." Justice demands that this provision should be carried out in its letter and spirit. Past legislatures, not anticipating the present anomalous condition of national affairs passed no enactment by which it can be legally carried into effect. A law can be framed without difficulty, providing for taking the votes of the soldiers in active service, at least for the most important offices, viz: State officers, representatives in Congress, and members of the Legislature. In the election of these officers, the soldier, although

away from home, takes as much, if not more, interest than the citizen actually on the spot. He reads the newspapers, receives letters from his friends, and in fact understands the issues of the day as well as, if not better than, the man for the defense of whose home he has taken up arms.

It may be objected, that great difficulty and expense would necessarily be created in taking the vote of the army in the field. But I submit that nearly all the difficulty and expense would be obviated by the following simple and effective plan: The three field officers, or in their absence, the three ranking officers of each regiment of infantry or cavalry, and three highest commissioned officers, or those acting in their places, of each battery of artillery, or each company or squadron of infantry or cavalry on detached service, might be made the inspectors of the election, with power to appoint the proper person clerk of the election, so that the vote may be taken on the day fixed by the constitution.

ARRESTS.

As early as September 10, 1862, a letter of mine was published, in answer to one inquiring the cause of a certain arrest, in which I stated that I had not advised *that*, or any other arrests, or been consulted as to the propriety of their being made; and also, stating that the power ought to be exercised only in extreme cases. The subject is one full of difficulty. On the one hand it is plain to be seen, that in time of war, the power to arrest summarily is often absolutely necessary and justifiable, if upon no other, upon the paramount and all-controlling plea of national self-preservation. The utterance of treasonable words, the discouragement of enlistments, or giving aid and comfort to the enemy in any way, are undeniably sufficient grounds for arrest. A traitor or spy in a loyal state, in time of war, as justly deserves to be arrested and hung, or shot, as the crime class of persons in dualogal states. The assault upon the life of the state is the highest crime known to the law, and should, especially in times like the present, be most rigorously and summarily dealt with.

On the other hand, my democracy is such as to teach me to entertain the highest regard for the rights of the individual, believing that every man, whether he be white, yellow, red, or black, is entitled to liberty, and should be sacredly protect-

ed in the enjoyment of his person and property, and in the utmost liberty of speech and action, consistent with loyalty to the Government. These are the rock-founded principles of our Government, to be sacredly guarded and preserved. It is indeed cause of gratulation, that the people are disposed to arm closely every invasion of personal liberty. We should guard jealously, as the apple of our eye, that protection to personal rights which has been a shining characteristic of the Anglo-saxon race, from the period at which it emerged from heathenish barbarism, down through all the stages of progress, till, under our form of government, it culminated in the full light of civil and religious liberty.

Hence, I think that arrests should be made only in extreme cases, in which there can be no doubt as to the propriety and necessity thereof; that the reasons should be given to the prisoner and the public, unless plainly to the injury of the public service; and in all cases it should appear that individual malice or party reasons had not prompted thereto. While I have not examined the question, in order to decide how far the President may go in making arrests in a state not declared to be under martial law, yet it would seem, that in the delay in proclaiming martial law could not in any case be great, it ought to precede the exercise of this power of arrest. This would seem necessary, from the fact that military power begins where the civil law fails to afford redress, and the distinction where the one ceases and the other begins should be clearly defined. Indeed, it would seem that, in a time of war, martial law might be properly proclaimed in every state where there was evidence that traitors and spies would openly or secretly give aid to the enemy, relying upon the chances of delay and appliances of ingenious counsel for escape under civil process. Surely there should be in every loyal state a determination, that no traitor shall outrage the sentiment of the country, and set at defiance the constitution and laws of so good a government as ours, by giving aid, either in word or deed, to the rebels who would overthrow it. How certainly would an administration entitle itself to the condemnation of the country, and to the infamy of history, which suffered treason to stalk defiantly in our midst, without rebuke and summary punishment.

ILLINOIS AND THE WAR.

For details in the raising, equipping, arming, supplying, and sending troops into the field, I refer you to the report of the Adjutant General, to whose untiring labors, and able and faithful co-operation, I acknowledge myself deeply indebted, in the management of the military affairs of the State. His report also includes the reports of the Quartermaster General and Commissary General, who have been most untiring and efficient in the management of their several departments.

The following summary will convey an idea of the important part which the State of Illinois and her troops have performed in the war:

On the 15th of April, 1861, the State was called on for six regiments of infantry. The same day proclamation was made, and on April 16th, General Order No. 1, Adjutant General's office, was issued, calling for these regiments, Springfield being designated as the place of general rendezvous.

Under this call the 7th, 8th, 9th, 10th, 11th, and 12th regiments were organized, and mustered into the United States service, on the 25th, 26th, 27th, and 30th days of April. These troops were subsequently organized into a brigade, and, under the orders of the Secretary of War, ordered to Cairo during the same month.

Before the completion of the organization of these regiments, and on the 19th of April, Brig. Gen. R. K. Swift, 6th division of the State militia, was ordered to proceed to Cairo and hold that point. Six companies of infantry, and four batteries of artillery promptly responded, and on the 22d, Gen. Swift, with a force of about one thousand men, arrived at Cairo. This fact is so prominently mentioned as highly creditable to the patriotism and promptness of the citizens of Chicago; for, in the space of two days after the telegram from Washington, ordering our troops to occupy Cairo, Chicago was sending off trains bearing her citizen soldiery, armed, equipped and supplied with all necessary accessories, thus preventing, as I trust we ever shall prevent, the tramp of traitor feet upon the sacred sod of Illinois.

These forces served a few days, until relieved by the six regiments, when those of them which did not enter the three months' service, were discharged. The service rendered to the State by this force was of the utmost importance.

At the special session of April, 1861, ten regiments of infantry were authorized. (See Laws.) They were immediately raised, consisting of the 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, and 22d, and tendered to the Government. The War Department declined at first to accept more than six of them, but subsequently, after strong solicitation, accepted the remaining four.

In June the War Department authorized the acceptance of one battalion of light artillery, and one regiment of cavalry. And, in July it authorized the acceptance of thirteen regiments of infantry, one additional battalion of artillery, and three additional regiments of cavalry. Under these orders, the 23d, 24th, 25th, 26th, 30th, 31st, 32d, 43d, 46th, 48th, 49th, and 50th regiments of infantry, the 1st, 2d and 3d regiments of cavalry, and eight companies of artillery, were raised.

In addition to this, several regiments, called independent regiments, were authorized by the War Department, and in August full authority was given to accept all who were willing to enlist.

Under these various orders, the recruiting was so rapid, that during the year 1861, (in addition to thousands, who in May and June were refused acceptance, and left the State to enter the service,) fifty regiments of infantry, ten regiments of cavalry, and one regiment of artillery, were organized and mustered into service.

On the 3d of December, 1861, the Secretary of War, by General Order No. 10, directed that no more regiments, batteries, or independent companies should be raised by the governors of the states, except upon special requisition of the War Department, but that those forming would be completed, or the men assigned to regiments then in the field; and the entire recruiting service for regiments in the field was taken from the governors of the states, and transferred to superintendents appointed by the War Department. At that time the State had sent to the field about forty thousand men, and had in the camps of instruction seventeen thousand. During the month of December, these troops in camps were organized, and afterwards sent to the field, as fast as they could be armed and clothed; and included infantry to No. 65, thirteen cavalry, and two regiments of artillery.

On the 17th of May, the State was called on for another regiment of infantry; and on the 26th of the same month, the Secretary of War called the entire militia force of the State to the de-

fence of the National Capital. Two days afterwards the call was revoked.

Five regiments of three months volunteers were immediately organized, to wit: 67th, 68th, 69th, 70th, and 71st. The 67th, 69th, and 70th, were assigned to duty in guarding rebel prisoners in this State; the 68th was sent to Washington, and the 71st to Columbus.

On the 7th of July, 9 more regiments of infantry were called for, and on the 4th of August our quota of 300,000 militia was called out. It was provided also that unless our quota should be raised by the 15th of the same month a draft would be ordered. On application to the War Department we were informed that our quota of 300,000 was 26,148, but that as we had furnished 16,978, in excess of our proportions on previous calls, our quota on first call of 300,000 would be 9,170, to which adding 26,148, would make our total quotas under both calls 35,318. In a few days afterwards, however, it was decided that although we had raised this 9,170 surplus on previous calls, yet we were not to be credited with it on last calls. To raise, therefore, 52,296, was the work of a few days. One-half of these forces were to be volunteers for three years, and the other militia for nine months. The former would be entitled to bounty and premium, and the latter would not.

Application was made to fill both quotas for three years, and allowed by the War Department. No extension was asked by this State, although the time was extended until the 22d of August, but before that time arrived our quota under both calls was filled with our five thousand surplus.

Since the filling of these calls, several regiments of cavalry and batteries of artillery have been authorized.

The State has furnished as follows:

First the infantry regiments under call of April, 1861,	6
Three months regiments under call of May, 1862,	6
Three years regiments,	118
	<hr/>
	130
Cavalry,	14
Artillery,	2
	<hr/>
	146

Beside these regiments, two regiments of cavalry are organizing, four additional batteries have been sent to the field and three more are organizing, making a grand total of 135,000 men.

In addition to all these calls made upon the State, on the 14th of August the Secretary of War telegraphed that 34,179 men were required to fill up our old regiments. In anticipation that our quotas would not be made by voluntary enlistments, the Secretary of War had, on the 9th of that month, ordered an enrollment of the entire militia to be made, and regulations for drafting were adopted. It was also ordered by the War Department on said 14th of August, "that if the old regiments should not be filled up by volunteers before the first day of September, a special draft will (would) be ordered for the deficiency."

On the 23d of August, general militia order, No. 1, was issued from the Adjutant General's office, directing the enrollment of the militia force of the State to be made. In accordance therewith, enrolling officers, commissioners and surgeons, as directed by the War Department, were appointed. The expenses of enrollment are to be paid by the General Government. The enrollment has been nearly completed, but in view of the probabilities that no draft will be made at present, the draft commissioners and surgeons were in September directed to proceed no further in the discharge of their duties, until further ordered.

It will be seen from the above summary, that the loyal people of Illinois have promptly responded to every call of the government. Even when the last call for 600,000 was made, and when the government, having no expectation of raising the number by volunteering, provided for supplying the deficiency by draft, Illinois came proudly forward and was almost the only State which promptly furnished her whole quota of volunteers. She thus escaped the necessity and mortification of a draft.

But not alone in prompt response to the government, but also in glorious achievements in the field, have the Illinois troops vindicated the loyalty, upheld the honor and reflected glory on the State. Every flash of telegraphic fire has blazed with the luster of grand achievements and heralded tidings of noble deeds and high daring. The State has furnished a large part of the effective fighting force of our western army, as well as several splendid regiments and gallant soldiers to the army of the Potomac. In not only one, or a few, but in every engagement the Illinois troops have come out of battle with bright wreaths of glory around their brows. They have never hesitated in the hour of conflict or quailed in the face of danger. If in one or two instances, they have been compelled

to surrender with other troops, in every case they have escaped the blame attached thereto, displayed the loftiest courage, and been the last to yield their weapons to the foe.

The list of promotions of the commanders of Illinois regiments to generals and major generals for gallant conduct, is a long one. But not only commissioned officers, but non-commissioned and privates of the various regiments have established a well earned reputation for effective and dauntless courage. So that it may be truthfully said that Illinois leads the column of loyal states. The name of our State is synonymous with lofty courage and great achievement. In no instance has it been said that our brave troops are inferior to any in the service. Patient, obedient, vigilant, brave, they are ever ready for any service however difficult or perilous, whether in the camp, on the march, or in the field. Many, alas, too many, gallant spirits have sealed their devotion to their country with their lives. Wallace, Hogg, Applington, Davis, Thomas H. Smith, Irwin, Kilpatrick, Raith, Tupper, White, Ross, Thrush, and McCullough, and others of the noble dead, are names long to be remembered. They are of the flower of the State; her chosen sons who fell with their faces to the foe. "Leaving in battle no blot upon their names," their heroic deeds look calmly and proudly forth from their "death beds of fame." And many a rude hillock on the banks of the Cumberland, the Tennessee, the Potomac, the Yazoo, and the great Father of rivers, marks the spot where the humbler, but no less brave, patriotic and noble-hearted soldier of Illinois mingles his late manly form with its mother earth. Not less religiously are their memories kept green in the hearts of the narrower circles of relatives and friends, who knew them well in life and sincerely mourn them in their premature, yet glorious deaths.

RECORD OF ILLINOIS SOLDIERS.

In this connection, I recommend to the Legislature that a work be prepared and published, containing a record of every regiment, the prominent battles and skirmishes it has participated in, the name of every soldier, the fact of his having been wounded or killed in battle, as the case may be, etc. Such a record would be of priceless value to our State, and for all time would remain the most glorious history of the part she has taken in the war for the defense of the Union, that could possibly be written. It would be a household work.

SANITARY COMMISSIONS.

It would be improper, in a communication like this, not to refer to the immense benefits which have been conferred upon the army by the contributions and efforts of individuals in supplying it with stores necessary to the health and comfort of the soldiers. Indeed, could the people be fully informed how vast have been these efforts and contributions, they would feel a degree of pride for their State which no other subject could excite, unless it be the prowess and manly endurance of the sick and wounded for whom they have been made. Almost every village and neighborhood have been the theaters of these efforts. Large-hearted men have paid liberally in money and stores of various kinds, while noble-souled women have plied their busy fingers in preparing garments and such articles of food as were deemed indispensable. Soldiers' aid societies have been formed in every part of the State, and their agents have ever been on hand covering battle-fields with ambulances, and supplying the hospitals with beds, bandages, and all needed appliances for sick and wounded soldiers. Among these humane agencies, it will not be considered a disparagement of any other, to name, with profound respect, the Sanitary Commission of Chicago, under the direction of its able, faithful, and most efficient President. The operations of this commission have been upon a scale of the largest usefulness, drawing its supplies not alone from the citizens of Chicago, whose contributions have been on a scale of munificence unexcelled by any city in the Union, but also from every portion of the State.

I deem it my duty to refer more particularly to this subject, because, notwithstanding so much had been done and was doing in this great work, yet so large was our army, so large was the number of our wounded in our numerous bloody battles, so extensive were the ravages of disease and death consequent upon exposure, new modes of living, unhealthy localities, etc., and so utterly unable was the United States Government to supply so many at the right time, that constant appeals for relief from the army, and from the agents already in the field, came to me constantly. The appeals were made to me as Governor of the State, and I deemed it my duty to lend the aid of the State, so far as it was in my power, by sending succor and comfort to the brave men who had gone forth from their kindred and homes, and periled health, property, life, and all, for their country.

On the 20th of August, 1862, I established an agency, in the nature of a State Sanitary Bureau, and directed the State Commissary General to take charge of this department, to whom all communications and packages should be addressed. I also despatched an agent to Cairo, to receive, and forward from there, all packages sent to his care. I then addressed a circular to the people of the State of Illinois, soliciting them to forward their contributions. As proof of the liberal response of the people, both in money and needed stores, I refer you to the very interesting report of the Commissary General.

In connection with the foregoing, I desire to call your attention to the important consideration, that while the war lasts, the necessity of these benevolent efforts will not cease to exist. I have no hesitation in saying that this great sanitary enterprise should receive the strong encouragement of the General Assembly, and be made, to some extent, the subject of legislative action.

SANITARY BUREAU.

Should this General Assembly continue the Bureau now established, with proper safeguards and checks, it would be the means of immense relief to our sick and wounded, and would, in some small way, pay the debt we owe them for their great sacrifices. It would at least be a well merited token of regard from the people of a great state to their brave sons. It would add but comparatively little to their burthens. An agent could be most usefully employed in accompanying every regiment, for the purpose of taking care of the sick, burying the dead, marking the spot of burial, and corresponding with friends and the government at home, as to the sanitary wants of the troops; and I call your attention to a copy of a resolution, herewith submitted, of the Board of Supervisors of Vermilion county, requesting the appointment of a sanitary agent, to transmit stores to the various armies and hospitals where soldiers from that county may be located. It has been suggested that each county should have an agent appointed by the state to report periodically to the head of a State Bureau. I have addressed a letter to the various chaplains, urging the importance of these matters. They and the other officers and the soldiers, in many instances, no doubt, give such attention as their various duties will allow; but it is evident that

very much in addition could be done by a person charged with the special responsibilities of these duties. It would perhaps be difficult in any law to provide for the innumerable modes in which relief can be and ought to be afforded; and, it is, therefore, that I make the recommendation, as above, and that a sufficient sum be placed under the control of the head of that bureau, for the purpose of carrying out these sacred objects.

In connection with this subject, I must also refer to the very interesting reports of state sanitary agents, who have been visiting various hospitals, and other places where large numbers of our sick and wounded are confined. These suggestions are of the deepest interest to all concerned in the welfare of the soldiers. The greatest benefit has ensued from their labors in visiting the hospitals, cheering the soldiers, writing letters for them, supplying them with comforts of apparel and food, and pointing out any abuses which, in most cases, were promptly remedied.

SURGEON GENERAL.

Many of the States have created the office of Surgeon General, giving such an officer supervision of the medical corps of the State and superintendence of the supplies of proper medicines, for the government hospitals, etc. Such an officer might act in conjunction with the sanitary bureau, and be authorized to employ such aid as may be necessary in taking care of the sick and wounded, providing for transportation of supplies of the sanitary department, procuring discharges, passes and transportation of sick, furloughs for wounded and other needed assistance.

SOLDIERS' HOME.

After most careful reflection I am led to recommend to the General Assembly the erection of a hospital or soldiers' home. In such an institution, our sick and wounded could be within the reach of their friends at home, whose anxiety and vigilance would secure for them from the United States officers in charge, comfortable lodging, food, clothing and proper medical attendance.

In my visits to the sick and wounded, I have found an overpowering desire among them to be taken to their own State, where they would be within reach of their friends. I found the dying also breathing out the vain wish that they might be allowed to draw

their last breath upon the soil of the State, which had the first claim upon their affections, and for which they were then laying down their lives.

I therefore recommend that the State of Illinois make provision for a soldiers' home in the State, to be sustained, if practicable, by the General Government. But, in any event, I recommend the establishment of such an institution at some accessible point in our State. Nothing could more inspire the gratitude or stimulate the patriotism of our gallant countrymen in the field, or prove a nobler monument of the States' paternal regard for her loyal sons than such an institution as this.

BOUNTIES.

I feel it my duty also to call the attention of the General Assembly to the subject of bounties. I believe the State of Illinois should be behind no other in the liberal remuneration of its troops.

They have surely deserved as much in this regard as those of any other State. Very many of them are poor, and have large and helpless families. Those in more prosperous circumstances have sacrificed much in happiness and loss of business and property, in going to the war. In the event that the General Assembly shall provide for such bounty, it would, it seems to me, be eminently proper to adopt some measure for refunding to the counties the bounties which they so generously paid to their soldiers, or in some equitable mode to relieve them, *pro tanto*, of the amount required to be raised towards this object. Perhaps the best mode of providing the means for this bounty, would be to provide for the issue of twenty year bonds, which would only devolve the necessity of a tax to meet the interest.

I am aware that in making these various recommendations, the debt of the State will be considerably increased. Still, while I am disposed to counsel the utmost economy in all other objects of expenditures, I feel it a matter of sacred duty, a question of State pride, to evince at least reasonable liberality to the men who have so nobly served the State, and shed upon it, by their heroic prowess, a name and glory which are to be the priceless heritage of our children for all time to come. As I have said, the debt of the State is small, compared with our immense resources. We have, also, the sure prospect of being, twenty years hence, when the principal of the bonds would mature, almost the first State in

the Union, in the amount of its taxable property, and in wealth and power.

The proceedings of the late Constitutional Convention, may be held up, not only as a justification of expenses already incurred, but as an example to be followed upon this subject by this General Assembly. That convention, by resolution, authorized the expenditure of \$500,000 for the relief of our soldiers in the field. It is true, that having no legislative power, the act was a nullity, and bonds issued under such authority would have been worthless in the market. Yet the passage of the resolution may be taken as the animus of that body, and as evidence of what they would have done had the power existed. The question of power does not arise in your case. I leave the whole subject in your hands, not doubting that you will give to it the grave consideration which its high importance demands at your hands; not doubting that when all that we hold dear of life, liberty, property and happiness is seriously imperiled, our hearts will fully and gratefully go out to those who have risked all to leave them to us and those who come after us.

INCREASE OF PAY TO PRIVATE SOLDIERS.

I hope this General Assembly will send its potent voice to Congress, demanding an increase of pay to the private soldier. His present pay is only \$13 per month, or \$156 per year, a sum totally insufficient to support him and his family at the present high rate of every article of family consumption, atleast fifty per cent. higher now than when the war commenced. Thirteen dollars per month is no better pay now than seven dollars would have been two years since. It will be economy in the Government to increase the pay, or desertions, already numerous, will become still more so. No soldier can bear the thought that his wife and children is in destitution and suffering. I recommend a strong appeal by this General Assembly to Congress, for this most important and humane object.

APPROPRIATIONS.

The several appropriations of the last session were disbursed, as will appear from the reports of the officers having charge thereof. Other appropriations will be required to carry on the State government for the ensuing biennial term. In ordinary times, the

amount set aside for the Executive department, would have been ample, but in the extraordinary demands of business, and the great increase of official duties, it has not been sufficient. I have frequently been compelled to dispense with necessary and important services for the want of means. The want of the requisite assistance in the departments immediately connected with the executive has necessitated unusual and burdensome labors upon all those employed therein. All that is required, however, is an appropriation which will be sufficient for the purpose, having in view the extraordinary demands continually to arise during the pendency of the war.

OUR COUNTRY.

The recent partial reverse of our arms at Fredericksburg has caused some to look with despondency upon the prospect of the suppression of the rebellion. Such should not be the case. The most successful armies in the world have met with reverses. The battle at Fredericksburg seemed to be almost a necessity. The public sentiment would no longer brook delay. The demoralization of the army, and the exhausted patience of the country, demanded a forward movement at all hazards. The battle at Fredericksburg has established the important fact that the Grand Army of the Potomac is not wanting in will or courage, and that upon an equal field our triumph would be sure and glorious. It can certainly be no cause of exultation to the enemy that he has maintained his ground when fighting against direct assault from behind impregnable fortifications. That a way will be found to dislodge him, I have no fears.

My faith in ultimate triumph is stronger now than ever, because I believe that the administration has settled upon the true, the only policy under which it is possible to achieve success. That policy consists, first, in a more vigorous prosecution of the war—second, in the Proclamation of Emancipation. A sickening despondency occasioned by painful delays has been preying fearfully upon the heart of the nation. But true, loyal hearts beat with quicker pulsations when the Administration, freeing itself from the incubus which seemed to weigh it down, resolved upon the policy henceforward to “move upon the enemy’s works.”

To the timid, conservative mind the inauguration of the policy of Emancipation may have seemed rash, and the clamors raised against it may have had their effect in recent elections; but this effect was temporary. Time will abundantly prove that this policy

was dictated by a just and wise statesmanship, and that it will be followed by a successful termination of our troubles.

There are but few, even among the politicians, who openly avow that they are opposed to Emancipation in the abstract. The pretense is, that it is unconstitutional. I freely confess that in peace times there existed no power to issue a Proclamation to free the slaves. In peace, when all the people obey the constitution and laws, neither Congress nor the President could interfere with slavery. Any attempt to do so would be an unauthorized and flagrant usurpation of power. In such case the jurisdiction of each State over all its domestic institutions would be ample and complete. The right of intervention was never claimed in such a case. On the contrary it was persistently denied by the President and the party which elevated him to the Presidency.

I am for the Constitution of my country, and desire to see it sustained in its true spirit and according to its honest and fair interpretation. I may not be able to appreciate highly the wisdom of the provision for the return of a fugitive slave to a bondage from which he is escaping, as an independent proposition; yet because it is in the constitution and was one of its compromises, in consideration of which the free states got the Jeffersonian Ordinance of 1787, because it is in the constitution, and because the constitution was in every other respect so perfect, because it is the work of our fathers, and the organic law of the nation, I have been and still am willing to see its every provision enforced and maintained, in the protection of every right claimed by those who submit to its authority. I have always stood ready with my vote, my voice, and, if need be, my life, to protect every section in the enjoyment of all its rights. If the seceding states had remained quiet, and not assailed the government, not trampled in the dust the very constitution which secured them the uninterrupted enjoyment of their cherished institution, there would have been not only no right, but no disposition, to have proclaimed emancipation. But they have overthrown this constitution and established for themselves a new one, therefore they can claim no rights under the old. After years of deliberate premeditation, and secret preparation, they perpetrated the act of secession, they denied their allegiance to the constitution, set up an independent government, despoiled the nation of its money, its arms and munitions of war, seized upon our forts, insulted our flag, fired upon our soldiers at Fort Sumpter, plunged our hitherto peaceful people into sanguinary fratricidal

war, filled every homestead with grief, and covered the land with two hundred thousand fresh made graves. From the outset until now they have been invoking the aid of foreign bayonets to butcher our citizens, and to carry out their wicked purpose to overthrow the constitution; they have throughout conducted the war upon principles of barbarity disgraceful to the blackest annals of savage warfare.

The seceding states have forfeited all right to the protection of their slaves, or even their own lives, under the constitution, and the people of the loyal states are released from any constitutional obligation to protect them in any right whatever. A ferocious and bloody internecine war, brought on by the wicked and infernal machinations of the rebels themselves, has changed all the relations of the government and all the obligations of the constitution to them.

The propriety of the proclamation is still further vindicated upon the higher ground of national self-preservation. Though slavery was entirely beyond the reach of the government in time of peace, yet the government in the exercise of its belligerent rights has not only the power, but it is its bounden duty to preserve unmutilated its territory, and to weaken, cripple and crush out, by all available means, a rebellion aiming to undermine its national existence.

That the President has foreborne long, before taking this final step, was to have been expected of one who had so often denied the right of intervention in the domestic institutions of the states; but when the seceding states themselves made the issue—slavery against the government—resorted to arms to overthrow the constitution, and to carve out of our dismembered territory an oligarchy, the chief corner stone of which was to be slavery as a perpetual institution; and when also it cannot be denied that slavery is the principal element in support of the rebellion; I maintain, under all the circumstances, the proclamation was not only justifiable but inevitable. And if in time of war the government can take the life of the enemy without the ordinary process of law provided for by the constitution, *a fortiori*, can it not deprive the enemy of his property and emancipate his slaves?

Indeed, it seems that Providence had protracted this war and subjected our people to frequent humiliations and reverses, for the purpose of making the destruction of slavery inevitable. If the

first impressions entertained by the President and the nation—that the levy of seventy five thousand men was sufficient to intimidate the rebels into submission; if our arms in the first instance had been everywhere triumphant; if the Grand Army of the Potomac had driven back the rebels at Manassas, had taken Richmond, and planted the flag upon the capitol of every state, and we had everywhere been victorious by land and by sea, crushing the enemy as it were within the contracting folds of a fearful Anaconda, and the enemy had returned to the rightful authority of the government; then undoubtedly the Union would have been restored with the same blistering curse of slavery to rest upon us forever in the future, as it had been in the past, a perpetual element of strife and heart-burning. Under such a state of things the necessity would not have arisen under which slavery could have been constitutionally abolished. But now the necessity of emancipation is forced upon us by the inevitable events of the war, and is made constitutional by the act of the rebels themselves; and the only road out of this war is by blows aimed at the heart of the rebellion, in the entire demolition of the evil which is the cause of all our present fearful complications. It is now made palpably striking, that if slavery should be left undisturbed, the war would be protracted until the loss of life and national bankruptcy would make peace desirable upon any terms. Hence slavery must be removed. Thus the rebellion which was designed to perpetuate slavery and plant it upon an enduring basis, is now, under a righteous Providence, being made the instrument to destroy it, and to consummate peace upon the solid and enduring basis of universal liberty.

It is now but too plainly the policy of our government to strike a fatal blow at what we know and what the confederates themselves claim to be the chief element of their strength.

George W. Johnson, the secession, provisional governor of Kentucky, in his message of November 26, 1861, says:

"The presence of the negro race adds greatly to the military spirit and strength of the Confederate States. They till our grounds, while our sons fight our battles; and our ordinary pursuits are scarcely interrupted by the war."

That he is right in his view, I ask you to look at the fact that the south has a population of about five and a half millions of whites, who are devoting all their energies to the prosecution of the rebellion, and about three and a half millions of blacks, who are at work upon their farms and in their shops, supplying the

white population with everything required to sustain the rebels in the army and their families at home. If we emancipate the slave, call him off from raising supplies on the farm and in the shop, we would thus drive the rebel home to support and protect his family, reduce largely his effective fighting force, very soon bring him to terms of submission, and the war to a close; and the nation by the kind Providence of Almighty God would stand forth redeemed and disenthralled from the curse of slavery.

The workings of the policy of emancipation to this end are already visible. "Events" are significantly "casting their shadows before." Each successive day of the rebellion only hastens this glorious consummation. Western Virginia is already another star upon our national banner. Missouri may already be numbered as among the free states. In Kentucky and Tennessee the rebels are reaping the fruits of their rebellion in the hourly escape of their slaves. They are making terms with their slaves for their services after the first day of January upon the basis of paid labor. And from all reports from those states the indications plainly are, that it will neither be to the interest nor the desire of their people longer to continue an institution from which they can reap only perpetual troubles. The same causes are strongly operating in Arkansas, Texas, Mississippi, Maryland, Louisiana; and indeed almost every slave state begins to see and feel that the tenure by which slave property is holden is a very loose and uncertain one. The administration justifiably holds out emancipation as a punishment to the rebels for their treason; and the slave is only too glad to seize upon the first opportunity to taste the sweets of freedom, and eagerly to lay hold of the hope held out to him of liberty for himself and his posterity forever.

In auxilliary co-operation with this great movement upon the tide of events, it is worthy of notice that the present administration has faithfully enforced the statutes against slave piracy, and prosecuted to conviction and punishment dealers in the slave trade. It has made a successful treaty with Great Britain for the suppression of the slave trade. It has passed a homestead bill, insuring the settlement of the territories with a free population. It has written freedom on the face of our broad territorial domain, by prohibiting slavery forever therein. It has abolished slavery in the District of Columbia, so that no slave shall again clank the chain of human bondage in face of the Capitol. It has entered into diplomatic relations with Hayti and Liberia. It has crowned the whole by

the Proclamation of Emancipation. Thus we have before us the cheerful picture of a speedy termination of the war by the adoption of the right policy, by the removal of the cause of our sanguinary strife, and a saving adjustment of our difficulties upon the permanent basis of a similarity of institutions, and it is to be hoped a speedy and mutual forgiveness of past wrongs and injuries. We are permitted to hope that among the results of this war the *negro question*, so long the pestilent source of clamorous controversy, will be banished forever from the arena of party politics, and that parties will hereafter be divided upon great material issues and interests, which in this nation are vast enough to challenge the genius and ambition of the loftiest statesmanship in their proper and well directed development, and which, if they do not so excite the passions of men, will afford a far more interesting and profitable discussion to the people. And upon this happy consummation it cannot be doubted that the civilized world will hail our redemption with joy; and that the country, relieved from the moral, social and material depression of slavery, under the life-giving and energizing power of free labor, and free institutions, will march onward in the race of national progress to the highest pinnacle of power, prosperity and grandeur.

I am not deterred, by the humbug clamor of the day, from saying that I subscribed to the much ridiculed proposition of the President—that there can be no hope for permanency and solid peace “with one half the country free and the other half slave”—that two antagonistic forms of society cannot, among civilized men, co-exist and endure. The one must give way or cease to exist—the other become universal. But this antagonism once removed, and the people of all the states having the same institutions and the same system of labor, and brought together in business and social intercourse by the vastly increased means of international communication through railroads and telegraphs, as well as by rivers and roads, unity of the parts, however remote and locally diversified, will be produced, and lasting peace and prosperity secured. It has been proposed, even in the North, to secure this homogeneousness by the introduction of slavery into every state of the Union. This would be a retrograde step. A far nobler and better policy, and altogether a more stable basis of prosperity, and more congenial to the civilization of a Christian age, would be “to proclaim liberty throughout the land, and to all the inhabitants thereof.”

In the new policy of emancipation, thus inaugurated, I feel that

it is of the utmost importance to meet and silence the prejudice which, for partisan purposes, is attempted to be excited against the alleged injurious effects of emancipation. It is not to be overlooked that there exists a degree of prejudice in the minds of the people, upon the subject of giving freedom to the slave, to which politicians appeal with fatal injury to the cause of that enlightened progress which has been so Providentially placed within the reach of the present generation. A grand opportunity is presented to us by the logic of events. By a wise and Christian policy, we blot out a mighty wrong to one class of people now in bondage, and secure lasting peace and happiness to another.

I am sure of two things: First—that when slavery is removed, this rebellion will die out, and not before. Second—I believe and predict, and commit the prediction in this State paper to meet the verdict of my successors in office and of posterity, that the change brought about by the policy of emancipation will pass off in a way *so quietly and so easily*, that the world will stand amazed that we should have entertained such fears of its evils. During the war, there will be necessarily some suffering among so many slaves thrown out of employment, and many, perhaps large numbers of them, will seek a temporary refuge in the free states, and every man who has a human heart within him, will treat them kindly; but with the return of peace, the demand for labor in the South will be greatly increased, and there will be an exodus not only of these fugitives, but of the free colored population to the South. The demand for labor in the South will be greatly increased by the subdivision of large farms into numerous small ones, in the hands of a much larger number of owners; also by the reclamation of immense regions of fertile country in all our Southern states, waiting only the plastic touch of free labor, the settlement of which has been retarded by the existence of slavery, tending, as it always has, and necessarily always will, to discourage the immigration of free white citizens. No reasonable fears of competition with the free labor of the Northern states need be entertained, because the emancipated slave will have protection and employment upon the soil which he has heretofore cultivated in bondage. Emancipation does not increase the number of negroes by an additional one. There will not be a single acre of land less for cultivation, but a great deal more will probably be cultivated; there will be the same and an increasing demand for the culture of cotton, tobacco, sugar, and rice, for which the negro is pecu-

liarily adapted; the southern climate will remain unchanged, congenial to his constitution; and it is in the highest degree improbable that the negro will leave the state of his nativity, where his labor is in demand, where he understands, better than any one else the business to be done, and where the climate is adapted to him, to seek the cold climates of the North, to face the strong competition of northern, skilled free-labor, to encounter the prejudice against his color, and the pauperism and neglect which would meet him on every hand.

As to the state of society South, it is difficult for me to see how a population, basking in the sunlight of freedom, and breathing its pure air, with all the opportunities for education opened to them, and all the incentives of freedom, and to a higher elevation, can be more dangerous than the same population in the worthlessness and degradation of hopeless bondage. At the same time, the effect upon the poorer classes of the white population, and upon the slave states at large, would be immediate and marked, as is most plainly proved by the far greater prosperity of the free over the slave states. We have but to look at *contiguous* free and slave states, with similar soil and climate, and of equal capacities, separated only by a narrow river or mere imaginary line, to find vigor, freshness, and prosperity, in the former, and stationary sluggishness or slow progress in the latter.

But again, the prospects for colonization are brighter than ever before. Negotiations are now pending with states of South America, not unlikely to be successful, and opening new and inviting homes to the colored race. Colonization to Liberia may not, so far, have justified the country's anticipations; yet it is not unreasonable to suppose that under the new incentives of freedom, and conditions ameliorated by remunerated labor, the colored people will go in numbers largely increasing from year to year, till there will be a mighty exodus of the greater portion of that population. When the Government shall have opened commercial relations, and a regular trade with Africa and regions nearer the tropics, there is no reason why the negro may not seek the land of his fathers, or some region further south, as certainly and readily as millions of foreigners from Britain and the continent now seek these United States. I know not the designs of Providence towards this people, but of this I feel sure, that no distant period will have elapsed, when not only the North, but the South, rejuvenated in every material and social interest, will rejoice in

emancipation, though now, to the latter it may seem an intolerable injury.

For a vindication of the Government against any charge of unfairness to the seceding States, it is important, briefly, to consider a few historical facts. It is undoubtedly true that, from its institution down to the rebellion, there have been no acts of hostility by the Government towards the seceding States. On the contrary, the greater part of this time, the latter have had the ascendancy in our national councils, and been, in fact, the *pets* of the Government. They have had not only the largest share of the offices, but also shaped the policy of the Government. For them Texas was admitted into the Union, with its slavery; for them the war was waged with Mexico. In 1850, California was denied admission into the Union, because another star of freedom would thereby be added to the constellation of states, and would secure additional free-state Senators and Representatives; for them the fugitive slave law was passed and enforced; the Missouri Compromise, in 1820, was first passed to secure the admission of Missouri into the Union as a slave state, and afterwards, in 1854, it was repealed, because it inhibited the extension of slavery north of the parallel of 36 deg. 30 min., north latitude. Kansas was invaded and her citizens murdered, to secure the admission of another slave State. The Dred Scott decision, which overturned the precedents of every court in the civilized world, and proclaimed the abhorrent doctrine that slavery might lawfully go into any state or territory, was also made in the interest of the South. All freedom of utterance, for years past, was crushed out in the South by intolerant mob law. The same intolerance, bold and defiant, infected the capital in all its circles, social and political, crushing out even the utterances of the Senate chamber with the bludgeon and the bowie-knife. This spirit, growing more and more offensive and defiant, finally culminated in open rebellion, upon the pretext of the election of the present Chief Magistrate, by the vote of the people, fairly and constitutionally expressed. The rebel states then proceeded, against all warning and without cause, to lay their unhallowed hands upon our temple of liberty, to overthrow and destroy the constitution which so long nursed and protected them. Who, then, can dare to claim for them the protection of that constitution, or plead the inviolability of their state institutions under that constitution? Shall we hesitate, in view of the great crime and wickedness of

this rebellion, to exterminate from the face of the earth the evil which is the cause of the wild storm of war, ruin, and desolation, which now confronts us on every hand.

In view of all these facts, I demand the removal of slavery. In the name of my country, whose peace it has disturbed, and plunged into fearful civil war; in the name of the heroes it has slain; in the name of justice, whose highest tribunals it has corrupted and prostituted to its basest ends and purposes; in the name of Washington and Jefferson, and all the old patriots who struggled round about the camps of liberty, and who looked forward to the early extinction of slavery; in the name of progress, civilization, and liberty, and in the name of God himself, I demand the utter and entire demolition of this heaven-cursed wrong of human bondage—this sole cause of the treason, death, and misery, which fill the land. Fear not the consequences, for the Almighty will uphold the arms of the hosts whose banners are blazoned with the glorious war-cry of liberty. Fear not foreign intervention, for the civilized nations of the world will hail with delight the unfurled banner of universal emancipation. We need not, it is true, expect sympathy from the privileged classes of Europe, because they seem to have an inveterate hatred against our liberal institutions. But the masses of Europe will sympathize with a nation which, for eighty-five years, has been the asylum for the down-trodden of every land, and which is now offering up the flower of its people to subdue a treasonable slave oligarchy. Let foreign nations stand advised that we have little dread of their intervention; that, though in the travail of an exhausting war, we are better prepared to encounter it now than ever before; and that nothing could more firmly knit together all parties in the loyal States, and give steadfastness to their purpose to be united and free, than the uncalled-for intermeddling of any foreign power in our domestic troubles. In that event, instead of one million, three millions of armed men would rally to the standard, and overwhelm with speedy ruin all traitors at home, and all enemies from abroad. Then henceforth, in the management of this war, let our watchword be emancipation; emblazon it on every banner; shout it at the head of our charging columns and victorious legions; let it be “our pillar of cloud by day, and our pillar of fire by night;” then our arms shall be successful, and we shall solve the problem of the ages—that there is inherent energy enough in a government of the people to vindicate itself and survive all the throes of political and

civil revolution. Slavery removed, and we shall have peace—solid and enduring peace—and our nation, entering upon a new career, will leap with a mighty bound to be the greatest and freest upon the face of the earth.

I have hope for my country, because I think the right policy has been adopted. There remains but one other thing to make my assurance doubly sure; and that is, I want to see no divisions among the friends of the Union in the loyal states. Could I know that the people of the free states were willing to ignore party, and resolved to act with one purpose and one will for the vigorous prosecution of the war and the restoration of the Union, then I should have no doubt of a happy end to all our difficulties.

The secessionists have hoped for success upon three grounds. First, upon our supposed inferior valor; second, upon foreign aid; and, third, upon a divided North. The two first have failed them. They now despair of any foreign intervention, and on many battle fields the cool, determined bravery of our Northern troops has proved an over-match for the fiery, impetuous valor of the South. But can I truthfully say that their strongest hope and main reliance, a divided North, has failed them?

To prove that this point is worthy of consideration, and that the fate of the Republic is connected with it, let me refer a little to history.

At the Charleston Convention, in May, 1860, the democratic party, which so long swayed the destinies of America, became divided upon the slavery question. The radical, pro-slavery secession party adopted the views of Breckinridge; while the friends of the Union, in that party, followed the lead of Douglas. It is now worthy of notice that the leaders of both these parties looked upon this question of division among the people of the North as the decisive one. Mr. Breckinridge looked upon the probability of such a division as a bright omen for disunion; and Mr. Douglas contemplated such division with fear and trembling for the Republic.

Mr. Breckinridge, in a speech in the U. S. Senate, on the first day of August, 1861, said:

“Fight twelve months longer, and the *already opening differences* between New England and the North-west will develop themselves. You have two confederacies now. Fight twelve months, and you will have three; twelve months longer, and you will have four.”

On the first day of May, in the city of Chicago, Mr. Douglas said :

"I know that they (the secessionists,) have expected to present a united South against a divided North. The conspirators have been led to the hope that in the Northern states it would be a party question, producing civil war between democrats and republicans, and the South, being united, would step in with their legions and help destroy the one and then conquer the victor. The scheme was bloodshed and civil war in every Northern state."

Mr. Douglass, further said, " I am a good partisan hater and fighter, in time of peace ; but you will find me as good a patriot when the country is in danger. * * * It is your duty to lay aside party creeds and party platforms. Then I appeal to you, my democratic friends, do not let mortification, growing out of a defeat in a partisan struggle, convert you from patriots to traitors to your native land. Whenever our government is assailed, when hostile armies are marching under rude and odious banners, the shortest way to peace is the most stupendous and unanimous preparation for war."

I quote these words, because now the elements in this dark and dangerous hour most to be dreaded, springs from divisions in the Northern states, growing out of ambitions and strifes for individual and party ascendancy. Mr. Douglas plainly foresaw the danger, and leaped the wide chasm of party to save his country.

Inmeasurably important to our country is it now that there should be but one party, and that for the Union. In peace times, I confess myself to being a partisan, strong, relentless, unforgiving ; but when the country is in such imminent peril, I try to know no party, save my country. In the appointments I have made to office, I have endeavored to confer them as nearly equally as possible, upon republicans and democrats. Whenever I see a man, be he a republican or democrat, who is ready to bring a good, honest heart, and a strong vigorous arm to the support of the Government, and lay aside all to save his country, then, irrespective of old party associations and affiliations, I will take him by the hand as a brother, and bury forever in the tomb of human forgetfulness all memory of former wrong.

If the members of this General Assembly, and the press and people of Illinois, in the spirit of lofty patriotism, could lay aside every thing of a party character, and evince to the country, to our army, and, especially to the secession states, that we are one in

heart and sentiment for every measure for the vigorous prosecution of the war, it would have a more marked effect upon the suppression of the rebellion than great victories achieved over the enemy upon the battle-field. For, when the North shall present an undivided front—a stern and unfaltering purpose to exhaust every available means to suppress the rebellion, then the last strong prop of the latter will have fallen from under it, and it will succumb and sue for peace. Should divisions mark our councils, or any considerable portion of our people give signs of hesitation, then a shout of exultation will go up, throughout all the hosts of rebeldom, and bon-fires and illuminations be kindled in every Southern city, hailing our divisions as the sure harbingers of their success. We must stand by the President, and send up to him, and to our brave armies in the field, the support of an undivided sentiment and one universal cheer from the masses of all the loyal states. The stern realities of actual war have produced unanimity among our soldiers in the army. With them the paltry contests of men for political power dwindle into insignificance before the mightier question of the preservation of the national life. Coming into closer contact with Southern men and society, the sentiments of those who looked favorably upon Southern institutions have shifted round. They have now formed their own opinions of the proper relations of the Federal Government to them, which no sophistry of the mere politician can ever change. Seeing for themselves slavery and its effects upon both master and slave, they learn to hate it and swear eternal hostility to it in their hearts. Fighting for their country, they learn doubly to love it. Fighting for the Union, they resolve to preserve, at all hazards, the glorious palladium of our liberties.

Can we consent to send a keen and fatal pang to the heart of every Illinois soldier, now fighting for his country, by ill-timed party strife at home? Will we dampen his hope, cool his ardor, paralyze his arm? While our brave boys are in the field, exposed to snows and storms, often without tents, sleeping these cold nights upon the frozen earth, undergoing long and wearisome marches, suffering, bleeding, dying upon the battle-field, or upon the roadside, and in hospitals scattered over the land, far away from home, wife, children and friends, can we consent to fritter away precious time, in these dark and eventful hours in petty contentions for place, and party ascendancy?

That I may relieve myself of the charge, by any one, of attempting to cast censure on any particular party, here let me say, that, as Commander-in-chief of the army of this State, I know that the troops of Illinois are composed of both republicans and democrats; I cannot say definitely in what proportions, but I can say that both are largely represented, and that I have found no reason whatever to complain of either.

It also affords me great pleasure to say that I believe there is no considerable portion of any party in the State of Illinois in favor of a dissolution of the Union. I have been in a position where I could judge, and must condemn, as uncharitable, the judgment of some friends, and say to them, that *traitors*, men who would pull down the pillars of this fair fabric of American independence of ours, are "few and far between." Indeed, I assert that any party in Illinois would soon meet with overwhelming popular condemnation, in the attempt to divide our blood-cemented Union by any imaginable boundary lines, under any pretenses, however plausible they might be.

I regret that appeals are being made to the masses by a few public presses in the country for separation from New England. Not a drop of New England blood courses my veins; still I should deem myself an object of commiseration and shame if I could forget her glorious history; if I could forget that the blood of her citizens freely commingled with that of my own ancestors upon those memorable fields which ushered in the millenium dawn of civil and religious liberty. I propose not to be the eulogist of New England; but she is indissolubly bound to us by all the bright memories of the past, by all the glory of the present, by all the hopes of the future. I shall always glory in the fact that I belong to a republic in the galaxy of whose stars New England is among the brightest and best. Palsied be the hand that would sever the ties which bind the East and West.

There are differences of opinion as to the best mode of restoring a peaceful reunion and the healthful authority of the government; but I do not for a moment tolerate the idea that any considerable portion of either party, would upon any compromise or terms whatever, consent to a dismemberment of the Union. Even opposition to the policy of the Administration does not necessarily imply opposition to the Union. But here I desire to make a remark, to which I invite the patriotic consideration

of the members of the General Assembly. It certainly is not unreasonable for the party, which has been placed in power under all the forms of constitutional usage and requirements, to ask at the hands of the opposition, during the term of its administration, a tolerant support of the measures which it adopts for the restoration of the Union, leaving the question of party supremacy to be determined at the regularly recurring elections. Our ship of state is on the stormy wave, amid the rocks and breakers. If we stop to decide whether we shall have a new captain she will go under before we have decided. Let every man be at his post, on quarter-deck and prow, at helm, sail and rope, fore and aft, and all say to the captain, "we will see you through. Let's save the ship."

The accumulated horrors of this dreadful war have led the minds of the people to think of peace, and every true patriot and philanthropist ardently desires peace. But it has its difficulties. It is not desirable without it can be honorable, solid and enduring. There is no probable compromise which can secure it. The rebels will submit to no compromise short of a dissolution of the Union, and the establishment of a Southern Confederacy. On the other hand, the people of the loyal States will submit to no adjustment short of the submission of the rebels to the rightful authority of the Government, and the unconditional union of the States. The rebels demand the right to go off with three-fourths of our broad territory; the people of the loyal States will never yield a single acre.

To those who, in view of the calamities of the war, may suppose that any division of our territory can secure peace, let me put the interrogatories: Where would be the boundary line; and once established, what guarantee is there for a continuance of peace? A division of this country into several different nationalities means nothing more nor less than perpetual and destructive war; an unceasing conflict for supremacy; a never ending struggle for the empire of the continent, at a cost of millions of treasure; and oppressive taxes upon the people to keep up separate governments and maintain standing armies. Such is now the condition of the different nationalities of Europe, whose immense exactions have in the last twenty years driven millions of their poor to seek our shores as an asylum. Instead of peace, it would be as if this nation were to make its last will and testament, and bequeath internecine and bloody war as a legacy—an inheritance for the dwellers in the land for all time to come. War, then, might be expected to become the

occupation of the people. The questions of the navigation of our rivers, of boundaries, tariffs, commercial regulations, escape and capture of slaves, pride and jealousies embittered by the remembrance of former feuds, and numerous other causes, would engender and keep up bloody and perpetual wars, until at last all that was worth living for, all that was lovely in the land, would be blotted out and but few evidences left of the greatness and glory of a once happy and united people.

I can think of no peace worth having, short of crushing out the rebellion and the complete restoration of the authority of the Government. The only way to honorable and permanent peace is through war—desolating, exterminating war. We must move on the enemy's works. We must move forward with tremendous energy, with accumulated thousands of men and the most terrible enginery of war. This will be the shortest road to peace and be accompanied by the least cost of life and treasure in the end.

If our brave boys shall fall in the field, we must bury the dead, take care of and bring home the sick and wounded, and send fresh battalions to fill up the broken ranks and to deal out death, destruction and desolation to the rebels. We might talk of compromise, if it affected us alone, but it would affect our children and our children's children, in all the years of the future. The interests to be affected are far reaching and universal as humanity and lasting as the generations of mankind. I have never had my faith in the perpetual Union of these States to falter. I believe this internal rebellion can be, ought to be and will be, subdued. The land may be left a howling waste, desolated by the bloody footsteps of war, from Delaware Bay to the Gulf, but our territory shall remain unmutilated—the country shall be one, and it shall be free in all its broad boundaries, from Maine to the Gulf and from ocean to ocean.

In any event, may we be able to act a worthy part in the trying scenes through which we are passing; and should the star of our destiny sink to rise no more, may we feel for ourselves and may history preserve our record clear before heaven and earth, and hand down the testimony to our children, that we have done all, perilled and endured all, to perpetuate the priceless heritage of Liberty and Union, unimpaired to our posterity.

RICHARD YATES.

January 5, 1863.

1865

MESSAGE

OF HIS EXCELLENCY,

RICHARD YATES,

GOVERNOR OF ILLINOIS,

TO THE

GENERAL ASSEMBLY.

JANUARY 2, 1865.

SPRINGFIELD:

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MESSAGE.

Gentlemen of the General Assembly :

INTRODUCTION.

In delivering to you the last message which it devolves upon me, as the executive of the State, to communicate to the General Assembly, I feel it to be our first duty to render thanks to Almighty God for the continued protection and goodness of his Providence, for the abounding blessings with which He has favored us as a State, and for the continuance to us, unimpaired, the possession and enjoyment of our civil and religious liberty. For though a sad and waasting war has prevailed in the land, and thousands of homes and hearthstones have been made desolate, our government has been preserved to us, our nationality has been maintained unbroken, and our free institutions have come out of the shock of battle, not only not destroyed, or impaired, but stronger, and dearer to us than ever before. The storms of revolution, which have so rudely beat around the tree of liberty, have served only to deepen its roots and strengthen its trunk, and the people at home stand reassured with new and unfaltering confidence in our institutions, while foreign nationalities are forced to pay the tribute of involuntary respect to a people who, true to the memories and traditions of their fathers, and faithful to the sacred trust of liberty committed to their care, stand unappalled by the dark events of the gigantic war in which they have been engaged.

As a State, notwithstanding the war, we have prospered beyond all former precedents. Notwithstanding nearly two hundred thousand of the most athletic and vigorous of our population have been

withdrawn from the field of production, the area of land now under cultivation is greater than at any former period, and the census of 1865 will exhibit an astonishing increase in every department of material industry and advancement; in a great increase of agricultural, manufacturing and mechanical wealth; in new and improved modes for production of every kind; in the substitution of machinery for the manual labor withdrawn by the war; in the triumphs of invention; in the wonderful increase of railroad enterprise; in the universal activity of business, in all its branches; in the rapid growth of our cities and villages; in the bountiful harvests, and in an unexampled material prosperity, prevailing on every hand; while, at the same time, the educational institutions of the people have in no way declined. Our colleges and schools, of every class and grade, are in the most flourishing condition; our benevolent institutions, State and private, are kept up and maintained; and, in a word, our prosperity is as complete and ample as though no tread of armies or beat of drum had been heard in all our borders.

I submit herewith a statement of the permanent debt, funded and unfunded, of the State.

There has been purchased and paid off by the State, with the Central Railroad Fund, from December 1, 1862, to December 15, 1864, State indebtedness, as follows:

Principal.....	\$875,988 41
Interest, arrears of interest, etc.....	30,158 98
	<hr/>
	\$906,147 39
10 per cent. paid on registered canal bonds, by Canal Trustees, installments July, 1863 and July 1864, 5 per cent. each.....	289,133 33
	<hr/>
	<u>\$1,195,280 72</u>

PERMANENT DEBT, FUNDED AND UNFUNDED.

Statement, showing amount of different classes of State indebtedness outstanding, Dec. 16, 1864:

Illinois Bank and Internal Improvement stock,....	\$31,000 00
Illinois Internal Improvement stock,.....	42,000 00
Internal Improvement scrip,.....	19,570 33
Liquidation bonds,.....	234,650 21

New Internal Improvement stock.....	1,848,407 85
Interest bonds, 1847,.....	1,206,836 96
Interest stock, 1857,.....	701,404 75
Two certificates for arrears of interest,.....	1002 58
Refunded stock,.....	1,837,000 00
Normal University bonds,.....	65,000 00
Thornton Loan bonds, (act app. Feb. 21, 1861),...	182,000 00
Balance Canal claims, under Thornton Loan act,...	3624 58
War bonds,.....	1,679,100 00
Illinois and Michigan Canal bonds, payable in New York,.....	1,618,000 00
Illinois and Michigan Canal bonds, payable in London,.....	1,631,688 89
Interest certificates, Canal stock, not registered,..	17,661 33
Canal scrip, signed by Governor,.....	2616 97
121 Macallister and Stebbins bonds, which, according to statement of C. Macallister, would amount, Jan. 1, 1865, to about.....	57,000 00
	<hr/>
	<u>\$11,178,564 45</u>

STATE DEBT.

Since December 1, 1862, in addition to the regular semi-annual payments of accruing interest on the State debt, the following amounts have been liquidated, with the proceeds of the fund derived from the Illinois Central Railroad, viz:

Refunded stock of 1860, redeemed under the Governor's proclamation of September 28, 1863, including accrued interest on the same,.....	\$68,507 50
State bonds, purchased at par, canceled and deposited with the Auditor, the principal and interest of which amount to.....	706,182 12
Scrip, coupons, etc., paid off at par, under the act of February 22, 1861,.....	23,643 36
	<hr/>
Amount of principal and interest extinguished with the Central Railroad fund, from December 1, 1862, to November 30, 1864,.....	<u>\$798,332 98</u>

In addition to this, a further amount of \$107,815 42, of the same fund, has been used in the purchase of State indebtedness, since December 1st, making, in the whole, \$906,148 40 of the public debt extinguished in a little over two years. The amount derived from the two-mill tax, on the assessment of the year 1863,

applicable to dividend on State indebtedness, presented to the Auditor January 1st, 1865, is some six hundred thousand dollars. This, added to the amount extinguished with the Central Railroad fund, makes an aggregate of one and a half millions of payment on the debt of the State, since December 1, 1862. And the indications of increased receipts from the Central Railroad, and from the two-mill tax, are such as to warrant the belief that at least one million of dollars, per annum, will be hereafter realized from these two sources.

RECEIPTS FROM THE CENTRAL RAILROAD.

The amount received from the Central Railroad, for the seven per cent. on the gross earnings of said company, of the past two years, has been as follows :

For the six months ending April 30, 1863.....	\$126,634 83
For the six months ending October 31, 1863.....	173,759 75
For the six months ending April 30, 1864.....	170,055 08
For the six months ending October 31, 1864.....	235,458 96
	<hr/>
	<u>\$705,908 62</u>

It will be seen that the amount received for per centage on the earnings of 1864 is more than one-third larger than that for 1863.

REVENUE—RECEIPTS AND EXPENDITURES.

The receipts into the treasury for revenue purposes, for two years, ending November 30, 1864, have been \$497,616 11; of which amount \$109,547 64 was received for tax levied in the year 1862, and \$315,088 46 for tax levied in the year 1863; the remainder of the amount received being from miscellaneous sources. The amount in the treasury, December 1, 1862, was \$374,697 19, which, added to the amount received, makes an aggregate of \$872,303 30.

The amount of warrants drawn against this fund, from December 1, 1862, to November 30, 1864, is \$884,014 97, and the amount of the same outstanding, unpaid December 1, 1864, as appears from the Auditor's report, was \$20,510 98. It will be seen that a continuation of the expenditures, in the same ratio, as for the past two years, and of the receipts from taxation, as for the collection for 1863, will result in a deficiency of the receipts, as compared

with the expenditures, of more than one hundred thousand dollars per annum; and this, without considering the greatly enhanced prices necessary to be paid for all articles purchased for the use of the State, and of all services rendered, except such as the compensation for which is fixed in amount.

The rate of tax now levied for revenue purposes is one and one-fifth mill on the dollar of valuation, producing, for the year 1863, (as before stated) \$315,088 46 of actual receipts at the treasury, whilst one-half of the amount expended in two years will be found to be \$442,007 48. The conclusion is obvious that an increase of taxation or a reduction of expenditures is of absolute necessity.

COLLECTION OF TAXES.

The act of the last General Assembly authorizing the collection of taxes in legal tender notes and postal currency expired, by limitation, on the 1st of January, 1865, thus leaving the act of 1853 in force; which act requires payment of taxes in gold and silver. I presume that no argument is needed to show that a re-enactment of the law authorizing payment of taxes in United States notes is a matter not only of public policy but of absolute necessity.

APPROPRIATION ACT OF FEBRUARY 14, 1863.

The act of the last General Assembly, approved February 14, 1863, entitled "An act to provide for the ordinary and contingent expenses of the government until the adjournment of the next regular session of the General Assembly," and containing provisions for the payment of the incidental and contingent expenses of the government and of the different State departments, clerk hire of the different State officers, etc., and in aid of sick and wounded Illinois soldiers, has been pronounced by the Supreme Court to be void. Previous to the rendering of this decision several warrants had been issued by the Auditor, for purposes contemplated by said act; none of which have been paid. In fact, the decision of the Supreme Court was rendered in suits brought against the Treasurer, with the view of compelling him to make payment of said warrants. All these warrants were regularly issued by the Auditor, on accounts for services actually rendered and articles actually furnished; and all of the same should right-

fully be paid. The aggregate amount of such warrants is less than seven thousand dollars. The cost of clerk hire and incidental expenses of the several State departments have been borne by the State officers, from private means, for the past two years; and I would therefore recommend the re-enactment of the law, with a provision legalizing the warrants outstanding, and requiring the State Treasurer to treat the same, in all respects, in like manner with warrants issued under other laws.

It will be recollected, in this connection, that in June, 1863, a disagreement having occurred between the two Houses of the the General Assembly as to the time of adjournment, I availed myself of the power vested in me by the constitution, to prorogue them. Seeing, as I supposed, a disposition to embarrass the government in the prosecution of the war, and a refusal to make the necessary appropriations to carry on the State government, and provide aid for the relief of our sick and wounded soldiers, and also to interfere with the prerogatives of the State Executive, I deemed it my duty to avail myself of the contingency which the constitution placed in my hands, of rescuing our noble State from obloquy, by a prorogation of the General Assembly. It will be seen, however, that such a necessity, and the subsequent decision of the Supreme Court, declaring the said law, making the contingent appropriations aforesaid void, devolved upon the State authorities the alternative of raising the means necessary to carry on the government, by advances from private citizens, which would necessarily be large, by reason of greatly increased service and expenditures in every department of the government, growing out of the complications of the war. I therefore recommend the re-enactment of the said law, with a clause for adjusting and paying all accounts for expenditures incurred, as above stated, to be audited by the Auditor, and warrants issued, upon the approval of the Governor.

I herewith submit a report of the expenses incurred in my office, and other necessary expenses, incurred according to the intent of said appropriation.

Much credit is due to liberal and patriotic citizens of Chicago, Springfield and Knox county, for advances made by them so generously to the State, in its emergency.

ARMY AUDITING BOARD.

I submit herewith the final report of the Board of Army Auditors, appointed under the "Act creating a war fund and to provide for auditing all accounts and disbursements arising under the call for volunteers." It embodies a detailed statement showing the dates of all claims filed, names of the parties filing the same, their amounts, what for, and amounts allowed; also the amount of claims rejected, suspended, withdrawn, barred, etc. The report is valuable, and should be published.

BARRED WAR ACCOUNTS.

Under the fifth section of the act of May 2, 1861, creating a war fund, and providing for auditing accounts of war expenses, all claims for such expenses were required to be presented for adjustment within three months from the accruing of the same—in default of which, such accounts were required to be "considered donated to the State, and not thereafter allowed, under any pretense whatever." This provision of the law has, in many instances, worked very great hardship. Many persons furnished articles, and rendered service, in utter ignorance of this provision of the law, and others were ordered away from the State, in the military service, and had not the opportunity to present their claims until long after the three months had expired.

The Board of Commissioners, wishing to do all that lay in their power to facilitate the collection of claims which they considered meritorious, have examined and passed upon a considerable number of such claims, and have stated that they would have allowed the same for payment, but for the limitation made in the law. I would recommend that the Auditor be authorized to issue warrants in payment of such accounts as were so passed upon by the Commissioners, the same being first approved by the Governor. The accounts so passed upon are now on file in the Auditor's office.

THE PHYSICAL RESOURCES OF OUR STATE.

The physical resources of a State are the foundation of all others. They make it great or little. They shape its destiny. They even affect its moral and religious character. History teaches this truth. All the great nations of ancient and modern times demonstrate it.

Egypt, Syria, Greece, Rome; Great Britain, France, the United States, are so many proofs that favorable physical situations and resources are absolutely necessary to material and moral development. Illinois, in this respect, stands pre-eminent among the States of the Union. She is the heart of the Northwest. In agricultural resources she is unsurpassed. In manufacturing and commercial facilities she has no superior. On the east, south and west, the Great River of the continent and its tributaries water her border counties, while their branches penetrate to every part of the State, irrigating her soil, draining her low lands, and affording water power for her manufactures. The Illinois river runs for over two hundred miles through the State, from northeast to southwest, forming a natural highway between the lakes and the Mississippi, the key of which is entirely in our possession. This highway is one of the most important of the physical resources of the State; while, in a military point of view, it enables us to dominate the lakes on the one hand, and the Father of Waters on the other. A State, holding this great water-way, must always be a power on the continent, as well as in the Union. Then, we have, on the northeast, an outlet to the ocean through the great lakes, those inland seas of the continent; while that one of them, Michigan, which laves our northeastern border, is almost land-locked, and thus the least liable to hostile incursions from foreign powers. This secures to us the site for a naval depot, for dock-yards, for the building and repair of vessels, for foundries for cannon, for workshops for all descriptions of war material, at some point on Lake Michigan, between the Wisconsin and Indiana State lines. Our State is also on the direct route of the Pacific railroad, which must intersect it from east to west; thus making it a portion of the great highway between Europe and the Indies. Then, again, all our lines of communication, from the interior of the State to shipping points connected with tide-water, at which bulky articles of merchandise or agricultural products can be received or delivered, are short. This saves the cost of lengthy transportation of such articles by railway, which must always be expensive. At present, in some of the States to the west and northwest of us, large quantities of grain have been stored on the navigable rivers for the last two seasons. On account of low water it cannot be sent to market by steamboat, while the cost of railway transportation would eat up its value. This can never be the case in Illinois, as long as

water runs in the Mississippi, and that of the great lakes flows unobstructed to the sea. But not alone do we possess agricultural resources of an almost unlimited character: we have also within the limits of our State, facilities for manufactures, which equal those of nearly all the other States of the Union combined. Beneath the surface of our blooming prairies and beautiful woodlands are millions of tons of coal, easy of access, close to the great centers of commerce and manufactures, on great navigable rivers, and intersected by railway facilities of the best description.

Illinois, in 1860, was the fourth State in the Union in the number of tons of coal produced. But what has been produced bears no comparison to what may be. Our State Geologist assures me that in a single county in this State there are a thousand millions tons of coal awaiting the various uses to which the civilization of the future will apply it. It will thus be seen that Illinois possesses within itself the physical resources of not only a great State, but a great nation.

But if Providence has been bountiful in the natural resources of the State, it is necessary that man must be able and willing to use them to advantage; that he must have the capacity both to discern the capabilities of our situation and turn them to the advantage of our own and the people of other climes and countries. While, as I have shown, the physical resources of a State are the foundation of all other, it is also true that the people of a State must be equal to the demands and requirements of its physical capabilities. The most favored situation may be thrown away on a degenerate or incapable people. But, happily, we not only possess the physical resources of a great nation, but the mental and moral capacities of a dominant and progressive race. All it needs, then, for a proper development of our resources is, that our efforts be well directed; that we organize and direct labor, to the end that the greatest amount of development may be attained by the least possible expenditure of brute force; that by combination of effort, by organization of industry, by bringing into harmonious working development the three great branches of human industry—agriculture, manufactures and commerce—we may so weld each apparently hostile but really mutually dependent interest, into such a symmetrical whole, as to produce the most perfect social system. And this has been the aim of philosophy and statesmanship since the world began. But it can only be attained by the triumph of mind

over matter; by a continual progress, in which the apparently inert forces of nature are made to subserve the highest uses of man.

The war now being waged has tended, more than any other event in the history of the country, to militate against the Jeffersonian idea, that "the best government is that which governs least." The war has not only, of necessity, given more power to, but has led to a more intimate prevision of the government over every material interest of society. By creating a large debt, it has necessitated an extended and elaborate system of taxation. This system takes note of every man's business, its profits and its probable future increase, so that the State may know what revenue it has at the present time and what it may depend on in the future. But, by creating a large debt, the war has also created a means of stimulating the industry of the country. It has created a credit, in the shape of public securities, which is so much banking capital for the industry of the nation, and forms a sure basis for creating more wealth through all the ramifications of industry. A merely agricultural country, such as the ideas of the great minds of the earlier period of the democratic party believed to be the *ultima thule* of the social state, never could sustain the immense debt which we are compelled to provide for. It is only through the enlargement of the manufacturing and commercial industries of the country that it can be borne. But through those it can be made that which the people of Great Britain proudly call theirs: "a great national blessing." It can be made to enlarge, strengthen, and place upon an enduring basis of prosperity, those great material interests of the country, which are the pride as well as the distinguishing features of every civilized nation. It will be the development of manufactures and commerce to the highest possible point, which will finally rescue the present social state from the many evils which accompany it, and usher in the millenium day of true social and political equality. While I cannot say that I desire a large national debt, yet, as we are to have it, we can console ourselves that while a large debt has its disadvantages it also has its compensatory blessings. It brings the government nearer to the individual. It makes the man recognize himself as part and parcel of the State. He supports it, and he feels that it is bound to protect him. The man who pays twenty dollars of a school tax expects that his children will receive a proper education. The manufacturer, or farmer, or merchant, or ship owner, who pays his taxes

on his particular branch of industry, justly expects that that industry will be fostered and protected. It is true that a great national debt binds us more closely as a people—makes us realize the great benefits of a government, while it causes us to feel its burdens. All duty is reciprocal. “With whatever measure ye mete, it shall be measured to you again.”

But it is to our debt, as a means of stimulating our industrial interests, that I particularly desire to call your attention ; because it lies in your power to provide the means through which those interests can be enlarged and extended. We must utilize the credits of the State and nation, if we would keep pace with the progress of other states and peoples ; if we desire to bear our share of the burdens of the present war ; if we hope when the white-winged messenger of peace shall glad a distracted country, to provide employment for the thousands of our “gallant boys in blue,” who are now braving the storms of battle on many fields, when they return to the peaceful avocations of industry. We must encourage the formation of corporations for extending agriculture, manufactures and commerce. We must mobilize capital, so that it shall not be “buried in a napkin,” but shall earn for itself the ability to increase, and, by such increase, stimulate industry and re-create itself. I feel deeply on this subject, because, from a careful study of the condition of our national finances, I am irresistibly led to the conclusion that, in order to pay the interest on our debt and carry on the war to a triumphant close, it is absolutely necessary that the resources of the nation should be enlarged and extended. The labor and capital of the country are the bases and sources of all its wealth. It is possible that these may be overtaxed, and thus eventually permanently contracted into narrower channels ; but it is not possible, with such vast material resources as are possessed by our favored land, that the former can ever be too widely extended or too minutely varied, or that the latter can be too greatly increased or too widely diffused. Where would our State be now, as to agricultural, manufacturing and other resources, or even military power and prestige, if the internal improvement system, of which the lamented Gov. Duncan was the able and persistent advocate, had been entirely neglected, and the Empire State of the Northwest allowed to vegetate in the imperfect condition of a merely agricultural and pastoral state ?

AGRICULTURAL, MECHANICAL AND COMMERCIAL BUREAU.

In connection with the above subject, and for the benefit of the industrial interests of the State, I would respectfully recommend the creation of an Agricultural, Mechanical and Commercial Bureau of Statistics. This would be a highly useful department of state government, as well as a great assistance to immigration. But this is but a small part of the benefit it would confer. The nation is passing into a new era of its existence. Old forms must be abandoned, and enlarged views of the principles of government accepted. The garments of the youth are too contracted for the man. With increasing and varying industrial pursuits, the people demand increased duties on the part of the State. At present, corporations, representing special interests, take upon them duties which properly belong to the State at large. Thus the only statistical tables are those prepared by the Chambers of Commerce of our cities, or by corporations interested in a special branch of industry. These tables are, of course, but partial representations of the condition of the industrial interests of the State. We should have a Bureau, which would prepare statistics and present facts regarding all the industrial interests of the State, agricultural, mechanical and commercial. These would be of use, not only to the farmer, the manufacturer and the merchant, but to the statesman and social economist. A short time since, when a distinguished foreign statesman requested to see a compilation of the social and industrial statistics of the State, it was a matter of embarrassment to me, when compelled to inform him that there was no such work in existence. Such a work would be more highly useful than most persons are apt to imagine. It would enable the merchant to regulate the quantity of his stocks, the farmer to fix his prices, the manufacturer to determine his wants, and the statesman to draw up the most comprehensive and least oppressive system of taxation. As we now stand, in this respect, all these things are done at haphazard. The consequence is, a loss of time and money, and, very often, our people are driven from certain markets and overstock others, through ignorance of the particular wants and necessities of the country, and the quantity of merchandize needed to supply them. Suppose the statistical tables of the State showed that Illinois possessed a certain quantity of corn in her cribs and store houses, would not this fact draw buyers from all parts to invest in the

cheapest market, and not leave the people subject to a few monopolists? And so with other articles. The diffusion of knowledge on the state of the markets is one of the best safeguards to the great mass of the people against the chicanery and fraud of speculators, monopolists and middle-men generally. To protect the weak against the encroachments of the strong, is one of the primary objects of government. For these and other reasons, I earnestly recommend the establishment of a Bureau of Statistics, to be presided over by a Commissioner practically familiar with the great industrial interests of the State.

GEOLOGICAL SURVEY.

This work has now been in progress nearly seven years, under the charge of the present director, and his reports, embracing the results of the labors of the Geological corps employed in the survey, have been, from time to time, presented to the proper authorities for publication. A voluminous report is now ready, embracing the general result of all the labor performed up to the present time, with about fifty plates of illustration, besides the necessary maps and geological sections, which have been executed in a manner highly creditable to the artists who have been employed in this department. It is greatly to be desired that some provision should be made by the Legislature, at its present session, for the publication of this work; for, although the responsibility is thrown on the Executive, by the law organizing the survey, there is no special provision in that law for placing at my disposal the means necessary to defray the expenses attending it.

For further information in relation to the present condition of this work, I refer you to the "Report of Progress" of the State Geologist, which is herewith submitted, and to my former messages, in which this subject is more fully presented.

THE PENITENTIARY.

Since my last message, the work upon the State Penitentiary has gone on vigorously, and gratifying progress has been made. But the appropriation voted by the last Legislature for the finishing of this institution, and which, at the time, was believed to be sufficient, has been exhausted, leaving some important and necessary portions of the work still incomplete. The usual detailed reports

of the officers of the penitentiary have been received by the Auditor, and will be duly submitted to the Legislature. The commissioners present a statement of the management of the institution, and of expenditures upon it during the last two years, and state its future needs. It will remain for the Legislature to do, in its wisdom, what shall be thought best to preserve and promote this great State undertaking.

As it has been charged by a portion of the press of the State that the lease of penitentiary convicts made to James M. Pittman, at the session of June, 1863, was a fraud upon the State, and that the interests of the State, as well as the discipline of the convicts, very materially suffer under the present management, I deem it my duty to recommend the General Assembly to institute a thorough investigation of the charges made, and into the management and discipline of the penitentiary. The almost complete absorption of my time by the military affairs of the State has prevented me from giving that attention to the subject of the discipline and well-being of the convicts as I, under other circumstances, should have done.

The object of punishment is not only to deprive the offender of the opportunity of committing further crime, and to deter others from its commission, but also a most important object is the reformation of the offender, especially where, after his release, he is to go back and become a member of society. After conferring with those who have had experience on this subject, I am fully satisfied that there should be, as we have at the head of our State benevolent institutions, some general superintendent of every such institution; a man of the highest moral character, of practical wisdom and business talent, who should be responsible for the entire control of the penitentiary. He should appoint the guards, clerks, stewards, and all the inferior officers; he should regulate the police, arrange the discipline, appropriate the funds for the necessary expenses, transact the business of the prison, either by agents, clerks, or contractors, and always have the control of the convicts. He should have a fixed salary, and not a per centage on the profits. Secondly, the warden should have the general care of the convicts in his charge; also, superintendence of the guards and of the police. He should not be in any way interested in the business of the prison, except to oversee the men in their labor, and discipline

offenders under rules laid down by the general superintendent. He should also have a fixed salary.

A liberal appropriation should be made for the maintenance of an efficient chaplain—one who should have the moral and religious care of the men; the regulation of their religious services; should select books for the library, (for which purpose a liberal appropriation should be made;) be allowed to write letters for the convicts; and should have free access to the prisoners and the hospital. And here I must say, in most emphatic terms, that the fact that the State allows only five dollars per week to the chaplain of the State, and where there are six hundred convicts, is a disgrace to the State, which this Legislature, I trust, will wipe out, and give to the chaplain a salary of not less than one thousand dollars per year. Also, as not one dime is allowed for newspapers, I recommend that at least one hundred dollars be appropriated for newspapers, to be selected by the superintendent, and circulated among the convicts.

The province of the physician should be to administer to the infirmities of the convicts, and be responsible to the general superintendent for his care and attention.

Such, generally, in my humble opinion, should be the outline of the penitentiary management. I have no hesitation in suggesting that some such system, perfected by men of practical wisdom and experience, would result in vast saving to the State, and largely promote the welfare of the unhappy multitudes thrown upon its care, and lead to many permanent reformations of the prisoners. All the dictates of humanity require that particular attention should be given to this important subject by the members of the General Assembly. I refer you to two interesting communications from the present and former chaplains, transmitted herewith.

EDUCATION.

For a view of the progress and present condition of the common and Normal schools of the State, I refer you to the report of the Superintendent of Public Instruction, and invite your attention to the necessity of making provision for the immediate expansion and more perfect development of the system. The grand procession of events, political and military, which crowd the present, must not blind us to the inexorable demands of the future. No lesson of

this historic period is being more impressively taught us than this : that under a constitution like ours the whole people must be trained to a just conception of their rights as men ; of their duties as citizens ; and of their sacred obligations as patriots. This, in theory, is the end sought by our system of free schools, and very great progress has been made. But the time has come when a vast accession must be made to the educational forces of the State. Ten years have brought us to a new era, demanding new agencies, new measures, and a more comprehensive, aggressive and liberal educational policy. More money must be appropriated, more men must be employed, more forces organized and put in operation. The progress of events has superannuated the scale of operations upon which our free school system was inaugurated. What did very well in 1855, will not do for 1865.

Much of the machinery of common schools needs to be simplified, reorganized and perfected ; temperary schools of instruction for teachers must be organized and conducted, at suitable points, throughout the State ; the changeless laws of mental growth and action must be proclaimed to the people everywhere, that they may be able to estimate the difference between right and wrong methods of teaching—the priceless blessings of good teachers and schools, and the worthlessness of bad ones ; the duty of obedience to hygienic laws in the management of schools, must be inculcated, that we may have a generation of youth sound in body as well as in mind ; a spirit of taste and beauty must be diffused until the chaste and attractive, though simple and uncostly, designs of modern improved school architecture shall be substituted for the monotonous deformity which now prevails in most of our rural districts ; in a word, the people must be led to understand the true idea and end of education itself—*why* men should be educated, and *how* they should be educated, as set forth with unanswerable power in the last biennial report, to the end that they may see the inevitable abyss into which a republican government must ultimately plunge without intelligence and virtue co-extensive with the franchises of the citizen under the constitution.

To realize these grand aims, the resources of the central educational office of the State must be increased, both in men and means. It cannot be done by the Superintendent, confined to his office, for lack of clerical help, with no traveling fund and no competent assistants. It can only be done in Illinois as it has been done in

Massachusetts and other eastern States, and as it is being done in Michigan, Wisconsin, and other western States, by a liberal appropriation for State Institutes and for the State Department of Public Instruction, that the living heralds of these great educational principles may go forth among the people. Proper legislative action is of course necessary, but if our school laws were as perfect as inspiration itself could make them, they would be powerless to achieve the desired end without the living agency of qualified, experienced men. The salary of the State Superintendent should be increased to an equality, at least, with that of the Principal of the Normal University, and he should be allowed at least two assistants, with salaries sufficient to command the very best educational experience and ability. The compensation of the head of the Normal School is not too large, and should not be reduced; but no good reason can be given why the head of the whole system should receive only three-fifths as much (which is now the fact) as the presiding officer of an institution which is but a unit in that system. A comparison of the duties and responsibilities of the two positions would justify no such disparity of compensation. Much is said about the necessity of economy in public expenditures. No man shall be before me in acting upon that principle. I advocate liberal appropriations for educational purposes *because it is the only true economy*, in the long run. No investment will prove more profitable on final settlement.

The Normal University, under its present very able administration, is more than fulfilling the most sanguine expectations of its founders and friends, and should be regarded with just pride by every citizen of the State. Its halls are literally crowded with students from all parts of the State. It is doing a great and good work. I commend it and its interests to the confidence and favor of the Legislature.

In dismissing thus briefly this great public interest, I proclaim it as my belief that no other should receive more serious attention and enlightened action at the hands of this General Assembly. The character of our future as a State and people will depend more upon the educator than the politician. It is a disgraceful fact that this great State, so matchless in all the elements of material wealth and power—so illustrious in her record of heroism and devotion to the Union—so soon to exercise, by her position and character, a controlling influence in the councils of the nation—this great State

is among the most meagre and inadequate of all the free-school States of the Union in the endowment of her State Department of Education. I trust that this will be so no longer. We cannot *afford* to neglect these interests.

CONGRESSIONAL GRANT OF LANDS FOR EDUCATIONAL PURPOSES.

It will be remembered that Congress, by act approved July 2, 1862, donated to the several States, under certain conditions, public lands, or scrip for the same, in the proportion of thirty thousand acres for each senator and representative in Congress, the proceeds of the sale of which, or the land scrip to be issued therefor, is to be invested in stocks of the United States, or of the States, or some other safe stocks, yielding not less than five per cent. upon the par value of said stocks, and to constitute a perpetual fund, the interest of which is to be inviolably appropriated to the endowment, support, and maintenance of at least one college in each State, where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agricultural and mechanic arts, in such manner as the Legislature may prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life; also further providing that any State which may take the benefits of the provisions of the act, shall provide, within five years of the date of such act, at least one college, as described in the act, or the grant to the State to cease, and requiring the State, by its Legislature, to express its acceptance of the provisions of the act within two years after the date of its approval. The latter provision has been carried out by the act of the last Legislature accepting the donation, but no steps were taken to carry into effect the provisions requiring the establishment of a college, and it is for you to take such action as will secure to our State the benefit of this valuable grant.

This brief synopsis of the general features of the act of Congress, will enable you to understand more fully the position which this State, by the action of the last Legislature, occupies in reference to the subject.

Pursuant to the acceptance, and after being duly notified thereof, the Secretary of the Interior has placed in my hands land scrip for the location of four hundred and eighty thousand acres. There being no public lands within the limits of this State subject to private

entry, upon which said scrip can be properly located, it becomes the duty of the General Assembly to provide by law, for its sale and investment of the proceeds thereof in stocks, as contemplated and required by said act of Congress. There remains but a little more than two years within which time the State must comply with the provisions of the act, and to establish a college or colleges for the purposes specified, or the grant, as to this State, is to cease.

The shortness of the time, the importance and magnitude of the enterprise, its effects upon the educational interests of the State, and the variety of great questions involved, justify me in calling your special attention to the subject at this time. I therefore advise that a commission be appointed, charged with the duty of carrying out the provisions of the act of Congress, under such safeguards as your wisdom may suggest and approve. No part of the fund arising from this grant can be appropriated to the erection or repair of edifices or buildings, and it therefore becomes necessary for the General Assembly to provide for the same within the time limited by the act of Congress. Doubtless there are many localities within the State, which would undertake to furnish the requisite buildings and structures for such an institution without cost to the State, in consideration of the local benefits they may be supposed to derive from the same; and I, therefore, recommend that the appointment of a commission, to locate said institution, be provided for by act of the General Assembly, and that the powers and duties of said commission be so specified and defined as to insure a due consideration of the best interests of the cause of industrial education, in its relation to the whole people of the State.

At the fair of the State Agricultural Society, held during the month of September last, this subject was ably discussed, by the farmers and mechanics present, at a series of conventions called for the purpose. The views and suggestions, will be submitted to you by the committee appointed at that time, together with the draft of a bill, embodying the views of the agricultural and mechanical interests represented at said fair. The eminent qualifications of the gentlemen composing this committee, for determining what would be to the best educational interests of the mechanical and agricultural classes, as well as the respectable and prominent standing which they occupy in society, entitle their recommendations to your most favorable consideration. A committee, also representing

the views of the mechanics of Chicago, will lay a communication before you, which, with any other communications on the subject, will, I trust, receive your careful consideration.

It is needless for me to add, that to this General Assembly is committed this great and sacred trust, in which not alone the present, but future generations of this State are deeply interested. If it is economically and wisely administered, it will be a source of great blessings, and will reflect credit upon this General Assembly, upon whom has devolved the important responsibility of devising the best mode for carrying out the great purposes of its creation. There are other features of said act of Congress which should be responded to by legislation on the part of the General Assembly, but which need not be enumerated. The whole subject, freighted as it is with the most important hopes and promises for the future of our young and growing State, I leave in your hands, trusting that in whatever may be done, the rights of the farmers and mechanics, for whose benefit this munificent donation was made, will be fully regarded.

A REGISTRY LAW.

The elective franchise is a distinguishing feature of our republican system. The legislation of the country, its policy and its institutions, are determined by the majority of the legal voters of the state or nation, and the mode of ascertaining that majority is by the ballots of the voters deposited in the ballot box. In the absence of any guards or restrictions thrown around the ballot box, a fair expression of the will of the majority may be defeated by illegal voting. It is but too often the case that corrupting influences are brought to bear upon voters who, from mercenary considerations, or under political excitement, are led to vote oftener than they are entitled, and who lack the requirements of age, residence, or other qualifications required by the constitution and laws. It is sometimes the case that men who plead exemption from military service, and claim the protection of foreign governments in case of a draft, are yet among the first to claim and exercise the right of suffrage at the polls. Again, instances are known of unworthy citizens who go from place to place, casting their votes under assumed names, wherever, through the oversight or political connivance of the judges of the election, they can have them received. To prevent such

practices, I recommend the passage of a stringent registry law, requiring the name of each voter to be recorded for a given number of days previous to such general election. The time should be sufficient to secure an investigation into the qualifications of the voter in every doubtful case. Laws of this character have been found to operate well and meet the approbation of men of all parties who desire to maintain the purity of the ballot box.

BLACK LAWS.

Of the black laws I have but little to say, except to recommend that you sweep them from the statute book with a swift, relentless hand. My opinion of them cannot be better expressed than in the language of a resolution, which as a member of the General Assembly in February, 1849, I had the honor in a feeble minority to advocate, "declaring the laws of the State, applicable to negroes and mulattoes, tyrannical, iniquitous and oppressive upon this weak, harmless and unfortunate class, and unbecoming the statutes of a free, magnanimous, enlightened and christian nation." They were originally enacted to gratify an unjustifiable public prejudice against the friends of liberty, and an inhuman feeling towards a poor, unfortunate class of our fellow citizens. They assumed a fact, which, to the honor of the Jeffersonian ordinance of 1787, never existed, that slavery did or could exist in the free state of Illinois. Section 9 of these laws provides that "if any slave or servant shall be found ten miles from the tenement of his or her master 'without a pass,' he may be punished with stripes not exceeding thirty-five"—thus by the phraseology of the law recognizing the existence of the institution of slavery within our borders and prescribing an infamous punishment. It is unconstitutional, as decided by the Supreme Court in this State, "in attempting to legislate upon the subject of the rendition of fugitive slaves to their masters, over which subject the court decides that Congress has supreme and exclusive power." It authorizes a system of slavery, by providing that every colored man who shall be found in this State "without having a *certificate of freedom*," shall be deemed a runaway *slave or servant*—"to be committed to the custody of the sheriff of the county, who shall advertise him at the court house door," and "to hire him out for the best price he can get," "from month to month," "for the space of one year." Any law, thus placing any man, white or black, in the power of a purchaser, for money, is utterly inconsistent with the

humanity of the age and the spirit of our free constitution. These laws are unconstitutional, because by the laws of many of our States free colored persons are citizens, and the constitution of the United States expressly provides that "the citizens of each State shall be entitled to all the privileges of citizens in the several States."

An examination of the various provisions of these laws will satisfy this General Assembly of their inhumanity, and the humane and philanthropic will everywhere hail their repeal with joyful acclamations.

In reply to those who say that if these laws are repealed we shall have a large influx of free negroes into this State, I have to answer that the laws are now almost a dead letter. Negroes are not kept out of the State by them, for it is only now and then, indeed a rare case, that a man can be found who is barbarian enough to insist upon the application of the penalties imposed by these laws. And upon the subject I cannot present my views better than by the following extract from my message of January 5th 1863. Referring to the emancipation policy of the administration, I say :

"I am sure of two things : First—that when slavery is removed, this rebellion will die out, and not before. Second—I believe and predict, and commit the prediction in this State paper to meet the verdict of my successors in office and of posterity, that the change brought about by the policy of emancipation will pass off in a way *so quietly and so easily*, that the world will stand amazed that we should have entertained such fears of its evils. During the war, there will be necessarily some suffering among so many slaves thrown out of employment, and many, perhaps large numbers of them, will seek a temporary refuge in the free states, and every man who has a human heart within him, will treat them kindly ; but with the return of peace, the demand for labor in the south will be greatly increased, and there will be an exodus not only of these fugitives, but of the free colored population to the south. The demand for labor in the south will be greatly increased by the subdivision of large farms into numerous small ones, in the hands of a much larger number of owners ; also by the reclamation of immense regions of fertile country in all our southern states, waiting only the plastic touch of free labor, the settlement of which has been retarded by the existence of slavery, tending, as it always has, and necessarily always will, to discourage the immigration of free white

citizens. No reasonable fears of competition with the free labor of the northern states need be entertained, because the emancipated slave will have protection and employment upon the soil which he has heretofore cultivated in bondage. Emancipation does not increase the number of negroes by an additional one. There will not be a single acre of land less for cultivation, but a great deal more will probably be cultivated; there will be the same and an increasing demand for the culture of cotton, tobacco, sugar, and rice, for which the negro is peculiarly adapted; the southern climate will remain unchanged, congenial to his constitution; and it is in the highest degree improbable that the negro will leave the state of his nativity, where his labor is in demand, where he understands, better than any one else, the business to be done, and where the climate is adapted to him, to seek the cold climates of the north, to face the strong competition of northern, skilled free-labor, to encounter the prejudice against his color, and the pauperism and neglect which would meet him on every hand."

I will not say that legislation will not be necessary upon this subject of the residence of free negroes in our midst; but I will say, that whatever is necessary should be free from political prejudice, having regard to the welfare of our own, free, white citizens, and, at the same time, marked with humanity and a due regard to that unfortunate class of our fellow beings whom Providence, in its wise and inscrutable plans, has placed in our care.

SOLDIERS' VOTING.

In my last message I recommended, in strong terms, the importance and justice of an enactment extending to our citizen soldiers, in the field, the right of suffrage, but no action was had upon the same. During the last two years the subject has been fully considered and acted upon in many of the loyal States, and although the constitutions of the States have been framed without reference to a state of war, yet the subject has undergone the scrutiny of the highest judicial tribunals, and the right to take the votes of soldiers in the field has been clearly recognized. Laws passed for this purpose have been carried into operation and found to operate well, without any public injury. I can see nothing in our State constitution which prohibits the passage of such a law. Section 1, Art. 6 of our State constitution, provides as follows: "In all elections,

every white male citizen, above the age of twenty-one years, having resided in the State one year next preceding any election, shall be entitled to vote at such election; and every white male inhabitant, of the age aforesaid, who may be a resident at the time of the adoption of this constitution, shall have the right of voting as aforesaid; but no such citizen or inhabitant shall be entitled to vote, except in the district or county in which he shall actually reside at the time of such election." It is evident, from this clause, that the elector cannot vote in any other precinct than that in which he actually resides.

Section 4, Art. 6 of the constitution of the United States, provides that "No elector shall be deemed to have lost his residence in this State by reason of his absence on the business of the United States or of this State."

Under this latter clause, a minister of the United States to a foreign court, though absent for years, is an actual resident of the district or county in which he resided at the time he left the country, on his mission. The same may be said of the soldier who has left the county or district, because he is absent on the business of the United States, and therefore does not lose his residence. Now, is it reasonable to presume that the framers of our constitution, while thus preserving the residence of the soldier, evidently for the purpose of securing to him the right of suffrage, at the same time meant to prohibit the Legislature from making any provision to enable him to exercise that right? While the elector is required "to vote in the district or county" in which he resides, it is not necessarily required that he is to be present, in person, at the polls, and cast his vote. The object of the framers of the constitution was to preserve the purity of the ballot box, and to prevent the voter from voting more than once, or at more places than one, at the same election. The object evidently was, to provide that his vote should only be cast in the one district or county in which he resided. Now the constitution, and the object of its framers, are fully complied with, when the soldier has cast his vote in his district or county, whether he be present, and cast his vote there in person, or whether the ballot is deposited there by his attorney, under the proper checks and restrictions—as to his qualifications of age, residence, etc.—or whether his vote is taken in the field, in some mode to be provided by the Legislature, and deposited in the ballot box of the district or county in which he resides, as has been provided

in the laws of several of the States. The following plan, with such guards and details as will prevent frauds, is suggested, as a practicable way of effecting the object: The three field officers, or, in their absence, the three ranking officers of each regiment of infantry or cavalry, and three highest commissioned officers, or those acting in their places, of each battery of artillery, or each company or squadron of infantry or cavalry on detached service, might be made the inspectors of the election, with power to appoint the proper person clerk of the election, so that the vote may be taken on the day fixed by the constitution.

There is no way of reaching the case by amendment to the constitution, without disfranchising the soldier for at least two years to come, for the constitution requires that two-thirds of the General Assembly shall recommend to the people to vote for or against calling a convention to amend the constitution, at the next regular election of members of the General Assembly, and that the General Assembly thus elected shall, within three months, call an election for members to the convention. It would require a still longer time to reach the object under the clause which provides for amendment by submitting it as a single proposition. It is therefore plain that if this General Assembly fails to pass a law authorizing our soldiers to vote, these gallant defenders of our homes and liberties must be disfranchised for over two years to come.

I recommend therefore to you, as one of your first acts, the passage of a law providing for taking the votes of our soldiers in the field. Indeed, I will say, decorously however, that failure to protect the rights of the noble men who have left business and property, home and kindred, to preserve to you the enjoyment of this same peaceful right of suffrage, together with all other rights you hold dear, would subject you to the charge of being unfaithful servants to your country. The soldiers are citizens; they are the people of the country; their persons, their families, their property, their rights are as deeply affected by the legislation of the country as those of the citizens who remain at home, in the quiet enjoyment of peace and safety. If the soldier is not worthy to vote, who is? If he who bares his breast to the storm of battle, and bears aloft our flag, against the hordes who are madly striving to tear down our magnificent temple of constitutional liberty; if he shall have no voice in selecting his rulers, who shall? Therefore let this General Assembly signalize its patriotism by this act of

prompt and necessary justice to the gallant citizen soldier of the State.

I would suggest to the General Assembly that, while I do not anticipate an unfavorable decision of the Supreme Court upon an enactment to be passed securing the right of suffrage to the soldiers, yet, in view of any such contingency, proper action should be taken for amendment to the constitution, as the next only mode of securing the object.

WAR RECORD OF ILLINOIS.

CONDUCT OF THE WAR.

Appreciating, before the first gun was fired at Sumter, the determination of treasonable political leaders to inaugurate rebellion, and, when war was actually made against the government, the great preparation made by them for revolt, and the magnitude of the struggle we would be compelled to pass through, I earnestly insisted upon and urged more extensive preparation for the prosecution of the war. The conciliatory policy which looked towards avoiding a bitter struggle, by appeals to the loyal sentiment of the southern States, and the justification in the ultimate rigid prosecution of war, should that fail; thus placing the government in a consistent and peaceful attitude toward foreign nations, and establishing, by long forbearance, the disposition of one section, in the majority and in power, to concede and allay the animosities of the other section, in the minority, and defeated at the ballot-box; also, that if the struggle endangered the existence of the government and Union under our old constitution, that the President, as commander-in-chief of the armies and navy of the Republic, would be justified by the civilized world, and by the trust reposed in him, in waging war, even to the destruction of institutions which endangered the peace of all other nations, and which foreign powers admit, and the majority of our own people had declared, as subversive of the constitution, and dangerous to the existence of the Union. These views are perhaps sound in theory, and may ultimately redound to our credit in historic pages; but I never altogether sympathized with the policy. The events of the war, and revolutions in public sentiment, have sustained the warnings given in the early days of open treason, and my position taken at the first

declaration of secession and war: "*that secession was disunion; that to concede to one State the right to release her people from the duties and obligations belonging to their citizenship, and you would, by that act, annihilate the sovereignty of the Union, by prostrating its ability to secure allegiance;*" also, that the violation of law, and a defiance of the authority and power of the General Government, however small, demanded the immediate punishment of the offenders, and the complete vindication of national integrity; and that the President should immediately employ the *whole material of the government, moral, political and physical*, if need be, to preserve, protect and defend the constitution of the United States.

After the war had progressed a year, and the mild measures which were still persistently advocated by many friends of the administration, and with all the evidence, on the part of the rebels, for complete preparation and determination to wage a long and desperate war against the government, I sent the President the following dispatch:

EXECUTIVE DEPARTMENT, SPRINGFIELD, ILLINOIS, July 11th, 1862.

President Lincoln, Washington, D. C.:

The crisis of the war and our national existence is upon us. The time has come for the adoption of more decisive measures. Greater vigor and earnestness must be infused into our military movements. Blows must be struck at the vital parts of the rebellion. The government should employ every available means compatible with the rules of warfare to subject the traitors. Summon to the standard of the Republic all men willing to fight for the Union. Let loyalty, and that alone, be the dividing line between the nation and its foes. Generals should not be permitted to fritter away the sinews of our brave men in guarding the property of traitors, and in driving back into their hands loyal blacks, who offer us their labor, and seek shelter beneath the federal flag. Shall we sit supinely by, and see the war sweep off the youth and strength of the land, and refuse aid from that class of men, who are at least worthy foes of traitors and the murderers of our government and of our children?

Our armies should be directed to forage on the enemy, and to cease paying traitors and their abettors exorbitant exactions for food needed by the sick or hungry soldier. Mild and conciliatory means have been tried in vain to recall the rebels to their allegiance. The conservative policy has utterly failed to reduce traitors to obedience, and to restore the supremacy of the laws. They have, by means of sweeping conscriptions, gathered in countless hordes, and threaten to beat back and overwhelm the armies of the Union. With blood and treason in their hearts, they flaunt the black flag of rebellion in the face of the government, and threaten to butcher our brave and loyal armies with foreign bayonets. They arm negroes and merciless savages in their behalf.

Mr. Lincoln, the crisis demands greater and sterner measures. Proclaim anew the good old motto of the Republic, "*Liberty and Union, now and forever, one and inseparable,*" and accept the services of *all loyal men*, and it will be in your power to stamp armies out of the earth—irresistible armies, that will bear our banners to certain victory.

In any event, Illinois, already alive with at of drum, and resounding with the tramp

recruits, will respond to your call. Adopt this policy, and she will leap like a flaming giant into the fight.

This policy for the conduct of the war will render foreign intervention impossible, and the arms of the Republic invincible. It will bring the conflict to a speedy close, and secure peace on a permanent basis.

RICHARD YATES,

Governor of Illinois.

Impressed with these views, and the necessity of each State giving immediate and the most practical support to the government, and inspired by the unparalleled enthusiasm of the people of Illinois, I asked that millions should be armed where the government asked, in limited calls, only for a few hundred thousand men. Bull Run, Carthage, Wilson's Creek, and the attitude of Kentucky and Missouri, painfully demonstrated the inadequacy of preparation on the part of the government for the crisis; and had it not been for the overpowering uprising of the people of the free States, and their loyal and determined expression to take the war in their own hands, we might have had enacted on our own soil the scenes which have desolated border States, and the country involved in a strife for a period and in bitterness far exceeding the darkest periods we have passed in the last three years.

Before the battle of Bull Run, and before important points being occupied by rebel troops—after consultation with the Governors of the loyal States, and with distinguished citizens of Illinois, who, as commanding generals, have led our gallant soldiers to brilliant victories—I recommended the occupation of New Orleans, Memphis, Columbus, and commanding positions on the Cumberland and Tennessee rivers, by United States regular troops; thus obviating the necessity of arraying sections against each other by the employment of a volunteer army, and plainly foreshadowing the determination of the government to firmly resist and punish violations of law, and overwhelm the presumptuous insolence of rebel leaders in the act of inaugurating rebellion in the States. These efforts were unavailing; and the government was afterward compelled to occupy these important positions by larger armies of volunteer troops, and at fearful sacrifice of life, and expenditure of millions of dollars. The conciliatory policy, so destructive to our interests in the west, entered largely into the organization of the army formed for the defense of the national capital, and offensive operations in Virginia; and we had the lamentable picture of the General chosen to chief command issuing orders that slaves discovered

in making war for the government against their rebellious masters should be put down with an iron hand, and one temporizing Governor of Missouri pronouncing the act of the President, in calling for a detachment of militia to enforce the national authority, "illegal, unconstitutional, revolutionary, inhuman, diabolical, and cannot be complied with." Another replied that "Kentucky will furnish no troops for the wicked purpose of subduing her sister southern States;" and "Tennessee will not furnish a single man for coercion."

Kid glove in civil council, and kid glove and warm sympathy "for our erring southern brethren" in the organization of the eastern army, made service there distasteful to western volunteers; and this sentiment impressed me with the importance of securing the close consolidation of our State forces at the commencement of the war; and, as far as it was consistent or possible for me to do so, I secured the intimate association of all our regiments in brigade and division organizations in the field. This also facilitated the convenient distribution of supplies then issued by the State for the General Government; provided the earliest relief possible to the largest number, after long marches and severe engagements; afforded the easiest and cheapest transit of sanitary supplies to field and general hospitals; and concentrated our contingents to the national army in corps designed for campaigns through territory familiar to both officers and men, and in which they would more speedily develop their genius for military life, and render the most efficient and practical service to the government. It was natural to presume that our young men who passed their early days in States south of the Ohio, and deplored the dedication of their old homesteads and associations to the cause of rebellion; and that the immigrant from New England, the Middle States, and Europe, dwelling upon our fertile prairies, and growing rich and independent from the products of free labor, would recognize the importance and more zealously prosecute the re-conquest of the valley of the Mississippi, and the control of its great river—our natural outlet to the ocean, so vital to the success of our enemies, and so necessary to the protection of our local interests, and the integrity of the Union—and that our whole people would sympathize with and sustain efforts to thus gather and unite the whole strength of the State in solid force against treason, and for the restoration of the national unity, perfect in all its parts.

Belmont, Donelson, Island No. 10, Shiloh, Corinth, Parker's Cross Roads, Port Gibson, Raymond, Champion Hills, Black River, Siege of Vicksburg, Perryville, Stone River, Chickamauga, Lookout Mountain, Atlanta, Franklin, Nashville, and the triumphal march of Sherman, speak in thunder tones of the consolidated efforts of Illinois, vying with the volunteers of other States in battling for the Union.

We have lost thousands of our best men, and whole regiments and batteries, in the conflicts of this fearful war; but we have not to deplore the decimation of the ranks of gallant regiments, led by timid and halting generals on fruitless and purposeless campaigns, prosecuted without skill or vigor, and with the deplorable *morale* of a fear to punish traitors not actually in arms, and the employment of the best strength of their armies in protecting rebel property.

The following exhibits the quotas of the State under respective calls since commencement of the war, and the number of men furnished to the national armies to the present time :

Our quota, under calls of the President

In 1861, was	47,785
In 1862, "	32,685
In 1863, "	64,630
In 1864, "	52,260

Total quotas under all calls prior to Dec. 1, 1864.....197,360

During the years 1861, 1862, and to the 18th day of October, 1863, the State, by voluntary enlistment, had exceeded its quota under all calls. Prior to that date settlements had not been made with the War Department, because of the voluntary action of our people in meeting the requirements of the country and their persistence in organizing, with unparalleled enthusiasm and determination, a larger number of regiments and batteries than the actual quotas under each levy called for. Prior to 17th October, 1863, the State had furnished and been credited with one hundred and twenty-five thousand three hundred and twenty-one (125,321) men—a surplus of eight thousand one hundred and fifty-one (8,151) over all other calls, to be credited to our quota for that call, and which reduced it to 19,779 men; and we claimed, besides, other credits, which could not be fully adjusted because of imperfect record of citizens (and in some cases whole companies of Illinoisans)

who had entered the service in regiments of other States, at times when our quotas on special calls were full, and because of which I was compelled to decline their services. Six thousand and thirty-two (6,032) citizens of Illinois prior to that date had been enlisted in Missouri regiments, and residents of Missouri had enlisted and been mustered in Illinois regiments, which left a credit, as between the States, in favor of Illinois of 4,373 men.

After adjustment of credit of 125,321, at and prior to October, 1863, it was ascertained we were entitled to an additional credit of 10,947, which increased the number enrolled *in our own regiments*, and for which we were entitled to credit prior to that call, to 136,268—leaving the whole account, at that date, thus:

Quotas under all calls to October, 1863.....	145,100
Credits for enlistments in Illinois regiments.....	136,268
Balance in Missouri regiments.....	4,373
	<hr/> 140,641
Balance due the government.....	<hr/> 4,459

At this time there was a claim made by the State for volunteers previously furnished, which would more than account for the balance against us of 4,459. This adjustment was made in February, 1864, and was *exclusive of old regiments re-enlisting as veterans*, and disclosed the fact that at the time the first draft was ordered, viz: January 1st, 1864, under the call of October, 1863, Illinois had exceeded her quota, and, by the voluntarily demonstrated patriotism of her people, was free from draft.

The unadjusted balances of the State claimed as above were allowed in the settlement made with the War Department, in August last.

Between the first day of October, 1863, and the first day of December, 1864, we have furnished and received additional credits for fifty-five thousand six hundred and nineteen (55,619) men which, added to credit of 140,641 to October 1, 1863, makes 197,260 men, which leaves our whole account thus:

Quotas of the State under all calls prior to Dec. 1, 1864...	197,360
Total credits for three years volunteers, drafted men and substitutes to Dec. 1, 1864.....	197,260
Balance due the government Dec. 1, 1864.....	<hr/> 100

The deficit of *one hundred men* has been more than balanced by enlistments during the month of December, 1864.

Of the entire quota of one hundred and ninety-seven thousand three hundred and sixty (197,360) men, we have furnished *one hundred and ninety-four thousand one hundred and ninety-eight* (194,198) *volunteers* and *three thousand and sixty-two* (3,062) *drafted men*—organized as follows:

138 regiments and one battalion of infantry.

17 regiments of cavalry.

2 regiments and 8 batteries of artillery.

ONE HUNDRED DAY TROOPS.

In addition to the foregoing the State has furnished thirteen (13) regiments and two companies of one hundred day volunteers, the following being the numerical designation, name of commanding officer and strength of each :

No. of regiment.	Commanding Officer.	Aggregate
132	Col. Thomas J. Pickett.....	853
133	“ Thaddeus Phillips.....	851
134	“ Walter W. McChesney.....	878
135	“ John S. Wolfe.....	855
136	“ Frederick A. Johns.....	842
137	“ John Wood.....	849
138	“ John W. Goodwin.....	835
139	“ Peter Davidson.....	878
140	“ Lorenzo H. Whitney.....	871
141	“ Stephen Bronson.....	842
142	“ Rollin V. Ankney.....	851
143	“ Dudley C. Smith.....	865
145	“ George W. Lackey.....	877
.....	Capt. Simon J. Stookey, (Alton battalion—two companies)....	181
Total		11,328

After the fall of Vicksburg, in 1863, and General Sherman's raid into Mississippi, Georgia and Alabama, active military operations were transferred from the Mississippi to Eastern Tennessee and Georgia. The forces of the enemy, during the winter of 1863-4, were being largely increased and carefully prepared for a desperate spring and summer campaign, east and west, and in April he had concentrated his strength for offensive operations in Virginia and Georgia, or, in the event of our advance, for the most determined

and bitter resistance. To hold the vast extent of country wrested from the enemy, embracing many States and territories, many thousand miles of sea coast, the whole length of the Mississippi, and most of her tributaries, and protect our long lines of sea and river coast and rail communication, required an immense stationary force. The towns and cities surrounding strongholds, posts and garrisons, situated in the midst of a doubtful and in most part disloyal population, required too great a portion of our large army for their protection and defense. In view of these circumstances, and of the palpable evidence which surrounded us that the battles about to be fought in Virginia by the army under direct supervision of Lieutenant-General Grant, and in Georgia under General Sherman, would doubtless decide the fate of the country, the Governors of the Northwestern States believed that the efficiency of the army and the prospects of crowning victories to the national arms would be greatly increased by a volunteer force, immediately raised, and which should occupy the points already taken and relieve our veteran troops, and send them forward to join the main army soon to engage the effective forces of the enemy. I therefore, in connection with Governors Brough of Ohio, Morton of Indiana, and Stone of Iowa, offered the President infantry troops for one hundred days' service, to be organized under regulations of the War Department, and to be clothed, equipped, armed, subsisted, transported and paid as other United States infantry volunteers, and to serve in fortifications wherever their services might be required, within or without the State. There being no law authorizing it, no bounty could be paid or the service credited on any draft. Our quota offered was 20,000 men, which was a fair proportion to the aggregate number (85,000) to be made up by all of said States.

Our regiments, under this call, performed indispensable and invaluable services in Kentucky, Tennessee and Missouri, relieving garrisons of veteran troops, who were sent to the front, took part in the Atlanta campaign, several of them, also composing a part of that glorious army that has penetrated the very vitals of the rebellion, and plucked some of the brightest laurels that this heroic age has woven for the patriot soldier. Five of our one hundred days regiments, after their turn of service had expired, voluntarily extended their engagement with the government, and marched to the relief of the gallant and able Rosecrans, who, at the head of

an inadequate and poorly appointed army, was contending against fearful odds for the preservation of St. Louis and the safety of Missouri. The officers and soldiers of these regiments evinced the highest soldierly qualities, and fully sustained the proud record our veterans have ever maintained in the field—and the State and country owe them lasting gratitude, and we have, in a great degree, to attribute our successes in Virginia and Georgia to the timely organization and efficient services of the one hundred day volunteers, furnished by all of said States. The President has, by order, returned them the thanks of the government and the nation for the service thus rendered, and accords the full measure of praise to them, as our supporters and defenders in the rear, to which the regular reserve force of large armies are always entitled.

RECRUITING SERVICE.

The General Government has aimed to divide the burden of supplying troops for the national army equally between the loyal States, and, according to the best information attainable, I believe the States have responded fully. To husband the resources of the State, in its number of arms-bearing men, I have thrown every guard possible around the recruiting system. In 1861, by proclamation, issued in July, I forbade the recruitment of volunteers in Illinois for the regiments of other States, and discouraged our citizens from leaving the State to join the organizations of others—but in that year was partially unsuccessful, because of the small number of regiments accepted in proportion to the very large number of our citizens who tendered their services. Diligent efforts were made to trace out organizations and individuals who left the State under these circumstances, and the records in the Adjutant General's office exhibit our success in reclaiming several whole regiments, and nearly 10,000 men, distributed through various regiments of Missouri and other sister States.

In 1861 and 1862 a few arrests were made for violation of the order, and parties guilty, upon surrendering the recruits, were dismissed, upon obligation to observe the prohibition in future. In 1863 there was no marked violation of the regulation; but, in 1864, when the emergencies and casualties of the service demanded the reinforcement and large increase of the army, many of the States became almost exhausted in number of citizens who could volunta-

rily offer their services to the country ; and, to protect their agricultural, manufacturing and other industrial interests, their legislatures had provided, by law, for the payment of large bounties, from their State treasuries, and authorized towns and counties also to pay bounties, and to levy a tax to provide for the same—thus affording additional inducements (to residents of other States, not making such provisions,) to the general bounty and premium provided by laws of Congress.

The enrollment act of last Congress also provided for enlistment of volunteer recruits in insurrectionary districts, and provided for the appointment, by Governors of the respective States, of agents to recruit there, at State expense, and that volunteers, thus enlisted, should be credited to the quota of the town, township, ward of a city, precinct, or election district of a county procuring them.

As there was no State law for, or appropriation made, from which to pay the expenses of this system, I was unable to employ agents to recruit for the State; but in my proclamation of August 9th, 1864, announcing the quotas and credits to July 18th, 1864, and calling upon the people to fill our quota by volunteering, this system was fully presented, and towns, cities and districts invited, at their own expense, to avail themselves of the privileges of the law and orders of the war department, made in pursuance thereof, to meet delinquencies of past calls, or to fill up their quotas under call of July 18th, 1864, then pending. A very small number had agents appointed, but, I believe, without practical results—the inducements they were enabled to offer being inferior to those presented by agents of other States.

To provide against the enlistment of citizens of this State, or persons, white and colored, who had taken refuge here from States or districts in rebellion, in the regiments, or to be used as the contribution of wealthy counties or localities of other States, which would result in increasing the burdens of war (either in *men* or *dollars*) upon our citizens, I deemed it proper to issue the following proclamation :

EXECUTIVE OFFICE, }
 SPRINGFIELD, ILLINOIS, *August 6, 1864.* }

It is hereby ordered that no recruiting for companies or regiments of other States shall be permitted in this State.

All recruiting officers or agents for other States, and the agent or attorneys of com-

panies organized to procure substitutes for persons drafted in other States, are hereby peremptorily forbidden to recruit or enlist volunteers or substitutes within this State during the war.

This order shall apply to all residents or citizens of Illinois, as well as the citizens of other States, recruiting within this State for regiments of other States.

All recruiting agents for Illinois regiments, Provost Marshals, and loyal citizens are requested to give notice of any violation of this order, that offenders may be arrested and punished, and the objects designed by this limitation to recruiting entirely accomplished.

Illinois has heretofore promptly responded to all calls for volunteers, and it behooves every good citizen to contribute every reasonable influence to sustain our veteran regiments, which have so honored the State in efforts to sustain the Union, and I earnestly entreat all citizens who desire to enter the military service of the country to join Illinois regiments only. As our brave boys have struggled to give our State its proud position, let us eschew all selfish inducements (presented by other States) and generously sustain them and our veteran organizations in the field.

RICHARD YATES, *Governor.*

Besides enforcing the view that the State should not be called upon or allowed to furnish more than her quota, I was impelled to insist upon her husbanding our resources for the future demands of the country; also by a desire to have our entire quota assigned to our old regiments, that they might, without consolidation, retain their names and organizations—rendered illustrious by gallant deeds on scores of battle fields—and in justice to tried officers, who could not be promoted until their companies and regiments were full; and because of the immediate effectiveness of new recruits, in veteran organizations, under experienced officers. I am glad to state that the Secretary of War issued orders to the United States officers, on duty in this State, to enforce the provisions of the order.

In prompt support of the government at home, and in response to calls for troops, the State stands pre-eminently in the lead among her loyal sisters; and every click of the telegraph heralds the perseverance of Illinois Generals and the indomitable courage and bravery of Illinois sons, in every engagement of the war. Our State has furnished a very large contingent to the fighting strength of our National army. In the west, the history of the war is brilliant with recitations of the skill and prowess of our general, field, staff and line officers, and hundreds of Illinois boys in the ranks are specially singled out and commended by Generals Grant, Sherman, and other Generals of this and other States, for their noble deeds and manly daring on hotly contested fields.

One gallant Illinois boy is mentioned as being the first to plant the stars and stripes at Donelson ; another, at a critical moment, anticipates the commands of a superior officer, in hurrying forward an ammunition train, and supervising hand grenades, by cutting short the fuses of heavy shell, and hurling them, with his own hands, in front of an assaulting column, into a strong redoubt at Vicksburg ; and the files of my office and those of the Adjutant General are full of letters mentioning for promotion hundreds of private soldiers, who have, on every field of the war, distinguished themselves by personal gallantry, at trying and critical periods. The list of promotions from the field and staff of our regiments to Lieutenant and Major Generals, for gallant conduct and the prerequisites for efficient and successful command, compare brilliantly with the names supplied by all other States, and is positive proof of the wisdom of the Government in conferring honors and responsibilities ; and the patient, vigilant and tenacious record made by our veteran regiments, in the camp, on the march and in the field, is made a subject of praise by the whole country, and will be the theme for poets and historians of all lands, for all time.

Prominent among the many distinguished names who have borne their early commissions from Illinois, I refer, with special pride, to the character and priceless services to the country of Ulysses S. Grant. In April, 1861, he tendered his personal services to me, saying "that he had been the recipient of a military education at West Point, and that now, when the country was involved in a war for its preservation and safety, he thought it his duty to offer his services in defense of the Union, and that he would esteem it a privilege to be assigned to any position where he could be useful." The plain, straight forward demeanor of the man, and the modesty and earnestness which characterized his offer of assistance, at once awakened a lively interest in him, and impressed me with a desire to secure his counsel for the benefit of volunteer organizations then forming for government service. At first, I assigned him a desk in the Executive office ; and his familiarity with military organization and regulations made him an invaluable assistant in my own and the office of the Adjutant General. Soon his admirable qualities as a military commander became apparent, and I assigned him to command of the camps of organization at "Camp Yates," Springfield, "Camp Grant," Mattoon, and "Camp Douglas," at Anna, Union county, at which the 7th, 8th, 9th, 10th,

11th, 12th, 18th, 19th and 21st regiments of Illinois volunteers, raised under the call of the President, of the 15th of April, and under the "Ten Regiment Bill," of the extraordinary session of the Legislature, convened April 23d, 1861, were rendezvoused. His employment had special reference to the organization and muster of these forces—the first six into United States, and the last three into the State service. This was accomplished about the tenth day of May, 1861, at which time he left the State for a brief period, on a visit to his father, at Covington, Kentucky.

The 21st regiment of Illinois volunteers, raised in Macon, Cumberland, Piatt, Douglas, Moultrie, Edgar, Clay, Clark, Crawford and Jasper counties, for thirty-day State service, organized at the camp at Mattoon, preparatory to three years' service for the government, had become very much demoralized, under the thirty days' experiment, and doubts arose in relation to their acceptance for a longer period. I was much perplexed to find an efficient and experienced officer to take command of the regiment and take it into the three years' service. I ordered the regiment to Camp Yates, and after consulting Hon. Jesse K. Dubois, who had many friends in the regiment, and Col. John S. Loomis, Assistant Adjutant General, who was at the time in charge of the Adjutant General's office, and on terms of personal intimacy with Grant, I decided to offer the command to him, and accordingly telegraphed Captain Grant, at Covington, Kentucky, tendering him the Colonelcy. He immediately reported, accepting the commission, taking rank as Colonel of that regiment from the 15th day of June, 1861. Thirty days previous to that time the regiment numbered over one thousand men, but in consequence of laxity in discipline of the first commanding officer, and other discouraging obstacles connected with the acceptance of troops at that time, but six hundred and three men were found willing to enter the three years' service. In less than ten days Col. Grant filled the regiment to the maximum standard, and brought it to a state of discipline seldom attained in the volunteer service, in so short a time. His was the only regiment that left the camp of organization on foot. He marched from Springfield to the Illinois river, but, in an emergency requiring troops to operate against Missouri rebels, the regiment was transported by rail to Quincy, and Col. Grant was assigned to command for the protection of the Quincy and Palmyra, and Han-

nibal and St. Joseph railroads. He soon distinguished himself as a regimental commander, in the field, and his claims for increased rank were recognized by his friends in Springfield, and his promotion insisted upon, before his merits and services were fairly understood at Washington. His promotion was made upon the ground of his military education, fifteen years' services as a Lieutenant and Captain in the regular army, (during which time he was distinguished in the Mexican war,) his great success in organizing and disciplining his regiment, and for his energetic and vigorous prosecution of the campaign in North Missouri, and the earnestness with which he entered into the great work of waging war against the traitorous enemies of his country. His first great battle was at Belmont, an engagement which became necessary to protect our Southwestern army in Missouri from overwhelming forces being rapidly consolidated against it from Arkansas, Tennessee and Columbus, Kentucky. The struggle was a desperate one, but the tenacity and soldierly qualities of Grant and his invincible little army, gave us the first practical victory in the west. The balance of his shining record is indelibly written in the history of Henry, Donelson, Shiloh, Corinth, Vicksburg, Chattanooga, The Wilderness, siege of Richmond, and the intricate and difficult command as Lieutenant General of the armies of the Union—written in the blood and sacrifices of the heroic braves who have fallen, following him to glorious victory—written upon the hearts and memories of the loyal millions who are at the hearth-stones of our gallant and unconquerable "Boys in Blue." The impress of his genius stamps our armies, from one end of the Republic to the other; and the secret of his success in executing his plans, is in the love, enthusiasm and confidence he inspires in the soldier in the ranks, the harmony and respect of his subordinate officers, his own respect for and deference to the wishes and commands of the President, and his sympathy with the government in its war policy.

As evidence of the materials of the State of Illinois for war purposes, at the beginning of the war, and a pleasing incident of Grant's career, I refer to an article in a Vicksburg paper, the "Weekly Sun," of May 13th, 1861, which ridicules our enfeebled and unprepared condition, and says: "An official report made to Governor Yates, of Illinois, by one Captain Grant, says that after examining all the State armories he finds the muskets amount to just nine hundred and four, and of them only sixty in serviceable

condition." Now the name of that man, who was looking up the rusty muskets in Illinois, is glory-crowned with shining victories, and will fill thousands of history's brightest pages to the end of time. I know well the secret of his power, for afterwards, when I saw him at head quarters, upon the march, and on the battle field, in his plain, thread-bare uniform, modest in his deportment, careful of the wants of the humblest soldier, personally inspecting all the dispositions and divisions of his army, calm and courageous amidst the most destructive fire of the enemy, it was evident that he had the confidence of every man, from the highest officer down to the humblest drummer boy in his whole command. His Generalship rivals that of Alexander and Napoleon, and his armies eclipse those of Greece and Rome, in their proudest days of imperial grandeur. He is a gift of the Almighty Father to THE NATION, in its extremity, and he has won his way to the exalted position he occupies through his own great perseverance, skill and indomitable bravery, and it is inexcusably vain for any man to claim that he has made Grant, or that he has given Grant to the country, or that he can control his great genius and deeds for the private ends of selfish and corrupt political ambition.

WAR EXPENDITURES.

The inability of the government to clothe, arm, subsist, transport and pay the first quota of troops, devolved upon the State extensive expenditures.

The Legislature, specially convened in April, 1861, provided for supplying troops raised under the first calls, and passed laws authorising the issuing of bonds to defray war expenses, and the appointment of a Board of Army Officers, to audit accounts. This board were governed by the provisions of the State law in adjusting war claims, and, upon their recommendation, approved by the Governor, the Auditor issued warrants on the Treasurer to claimants. The difficulty of getting accounts of the State adjusted, and reimbursements from the United States, created the necessity of frequent journeys to Washington, by myself and agents, as it was found impossible, in the immense pressure upon the departments, to accomplish much without persistent personal application. It was at length found necessary to adopt the plan of other States, and appoint a State agent there. Hon. Thos. H. Campbell, formerly State

Auditor, was appointed, and gave constant attention to the settlement of the State accounts, up to the time of his death. Afterwards, Hon. James C. Conkling was employed to go to Washington and press the settlement of our accounts, and succeeded in procuring payment of sufficient sums to relieve the Treasurer from the pressure of claimants holding warrants on the war fund. But owing to the immense pressure of business upon the Treasury Department, and difficulties experienced in making satisfactory explanations of accounts suspended and disallowed, he found it impossible, at the time of his last visit, to secure a final adjustment of our claims.

In March, 1864, I sent Col. John S. Loomis, who had been connected with the State Department from the commencement of the war—first as Assistant Adjutant General, and recently, as my principal Aid-de-Camp—to Washington, with instructions to urge final adjustment of all our accounts. His extensive acquaintance with the origin and history of our military organization and contracting and settlement of war claims, enabled him to make full explanation of our vouchers, and prosecute appeals from what was considered erroneous decisions of adjusting officers of the Treasury, in disallowing and suspending a part of our claims. He was accompanied by Gen. John Wood, Quartermaster General of the State, whose services were required to aid settlement of the class of claims originating in his department. From the report of Col. Loomis, and copies of his appeals on suspended and disallowed accounts, herewith transmitted, it will be seen that the claims of the State against the government, filed in the Treasury Department, for war expenses, amounted to three millions eight hundred and twelve thousand five hundred and twenty-five dollars and fifty-four cents (\$3,812,525 54); of which amount there has been allowed, on various settlements with the Third Auditor, three millions seven hundred and twenty-six thousand seven hundred and ninety-two dollars and eighty-seven cents (\$3,726,792 87); leaving a difference between the claims and allowances, in that department, of eighty-five thousand seven hundred and thirty-two dollars and sixty-seven cents (\$85,732 67) suspended and disallowed, because, in the opinion of the said Auditor the law did not sufficiently provide for them. Of the amount allowed by the Third Auditor, and passed to the Second Comptroller of the Treasury, it will also be seen, that the Comptroller suspended nearly all of our State claims upon

ground of insufficiency of vouchers, but which decision, upon the appeal of Col. Loomis, the Secretary of the Treasury reversed, and ordered a settlement of the accounts. An appeal was also taken upon the suspension and disallowment of accounts in the Third Auditor's office (\$85,732 67), which is set forth in the report.

I am recently advised, by letter from the Treasury Department, that upon last settlement there was found to be due the State four hundred and sixty-eight thousand two hundred and sixty-five dollars and ninety-eight cents, (\$468,265 98,) and that the amount of suspensions and disallowances has been reduced to twenty-seven thousand three hundred and ninety dollars and seventy-four cents, (\$27,390 74.)

Thirty thousand dollars have recently been paid by the government on the balance found due on our accounts; which sum is sufficient to pay off all warrants drawn upon the State Treasury against the war fund.

There being no provision made by the Legislature for paying contingent expenses of the State government or for expenses of prosecuting claims against the government, the expenses incurred since the death of Mr. Campbell have been advanced by these agents, who should be reimbursed by the State.

In this connection, I desire to call your attention specially to the report of Colonel Loomis. It gives a complete history of a necessity for all the expenses incurred by the State for the General Government, and, in my opinion, clearly establishes the right of the State to reimbursement of every dollar we have advanced, and which yet remain suspended. Colonel Loomis' labors in the adjustment of our war accounts have been invaluable, and it is recommended that a sufficient appropriation be made for his services and expenses.

REPORT OF THE ADJUTANT GENERAL.

I regret that on account of the severe illness of Adjutant General A. C. Fuller, in November and December last, he has been unable to submit his regular biennial report. I transmit herewith a communication from him, exhibiting the expenses of his department during the past two years, the inadequate appropriations made by the Legislature to meet such expenses, and the amount

required to pay the balance due various persons therein mentioned, and I recommend that an appropriation be made at an early day to pay it.

I have also lately inspected the Adjutant General's office, and deem it proper to say, that it is as complete in all its arrangements and in the perfection of its system and method as any similar office in the United States. General Fuller has been a most able, faithful and energetic officer, and is entitled to the gratitude of the State.

THE STATE SANITARY COMMISSION.

During the first year of the war our soldiers in the field received their supplies of sanitary stores principally through "Soldiers' Aid Societies," which were established in different parts of the State, and operated by the loyal women of Illinois, and the very practical and patriotic munificence of citizens of Chicago, who established the "Sanitary Commission of Chicago." The operations of all these societies were conducted on the most liberal scale, and were in the highest degree useful. Almost every village and neighborhood in the State were engaged in the noble work. Humane and large hearted men contributed bountiful supplies of money and material, and loyal and patriotic women plied the needle and prepared articles of food and stores of every description, indispensable to the soldier; and the agents of these noble men and women covered the field with ambulances and filled the hospitals with appliances for the sick and wounded. These Soldiers' Aid Societies were the nucleus for all the great sanitary fairs which have so bountifully replenished the treasuries of the United States and Christian Commissions.

The government, in the early part of the war, depended upon the States for supplies for the regiments of each State entering the United States service, and from the embarrassed position attendant upon the organization of so large an army, it was impossible to provide so many at the right time and place with sanitary supplies. Appeals came to me, as Governor of the State, from agents already in the field, and from surgeons and commanding officers, urging the forwarding of sanitary stores, and I deemed it my duty to render the aid of the State to the extent of my power, by sending relief to the brave men who had with such enthusiasm and patriotic de-

votion to country, to peril health, life and property for the preservation of the Union.

On the 20th of August, 1862, I established a State Sanitary Bureau, and assigned charge of the department to Colonel John Williams, Commissary General of the State, to whom all communications and supplies were to be sent and distributed. I then addressed a circular to the people of the State of Illinois, soliciting contributions of money and supplies, and requesting them to forward them to this commission. As proof of the liberal response of the people, both in money and supplies, I take pleasure in referring you to the comprehensive report of Colonel Williams, set forth in "Report of Transactions of the Illinois State Sanitary Bureau," and transmitted herewith, and I take special pleasure in referring to the patient labors of Colonel Williams, who, during these long years of war, has afforded me invaluable advice and assistance in discharging our mutual obligations to the people and the army. Upon his advice and the enlarged and extensive field of usefulness prepared for us by the liberality of the people, in subscriptions, I changed the organization of the Sanitary Bureau on the 12th day of September, 1863, by establishing the "Illinois State Sanitary Commission," with Colonel John Williams, Hon. William Butler, John P. Reynolds, Esq., Robert Irwin, Esq., and Eliphalet B. Hawley, Esq., constituted as a Board of Directors, to supervise and control the operations of the Commission, and referred to this board the annual report of the "Sanitary Bureau," embracing a complete statement of receipts and disbursements of stores and moneys contributed by citizens of the State for sanitary purposes. The "Sanitary Bureau," to this time, had received, in addition to a large amount of sanitary stores, twenty-eight thousand dollars, (\$28,000,) and expended twenty thousand dollars, (\$20,000,) leaving a balance of eight thousand dollars (\$8,000) to be transferred to the treasury of the "Illinois State Sanitary Commission." A statement of the receipts and disbursements of this commission, from its organization to the 31st day of December, 1863, will be found in the joint report of the "State Sanitary Bureau" and "Illinois State Sanitary Commission," before referred to, and transactions since that time will soon be communicated to your honorable body.

The time and services of all the directors of the "State Commis-

sion" have been given gratuitously, and they have been most faithful and worthy custodians of the people's bounty to our brave boys in the field.

I may be pardoned for doing merited justice to the aid societies of Quincy, Jacksonville, Springfield, Alton, Bloomington, Decatur, Peoria, Galesburg, and other cities and towns throughout the State, and especially to our metropolitan city of Chicago, which through her Board of Trade, her various sanitary associations, Soldiers' Aid Societies, and individual efforts of many of her citizens have rendered most munificent aid, and, in this respect, has fully come up to that high standard, which in so many other matters of patriotic and public spirited enterprise, has given her justly a proud rank among the first cities of the Union.

REPORTS OF SANITARY AGENTS.

I refer the General Assembly to the very interesting reports of our sanitary agents, and more especially to the reports of Colonel T. P. Robb, who has been agent for the State from the commencement of the war, and whose labors have been most severe, arduous and efficient. I recommend that a large number of his reports be printed and circulated for information of the people. The reports of Dr. O. M. Long, State Agent at New Orleans, Edward I. Eno, at Nashville, and Mr. Dunseth, at Louisville, and some others which I submit, contain valuable information. I also recommend that the Legislature make proper appropriations for their services and expenditures.

STATE ARSENAL.

During the four years past, vast quantities of ammunition have been fabricated at the arsenal, for field guns and small arms for the General Government. Arms have been repaired, cleaned and stored, and nearly all the arms used by the various arms of the service in the field from this State, have been received, stored and issued through the Engineer-in-Chief of the State. The State arsenal, for the most part, has been used as an ordnance depot for the General Government. Frequently the arsenal has had stored within it more than a million dollars worth of valuable property. Much and constant labor has been given, in arming and equipping the various regiments of the State. All the regiments for the three

months' service were armed and equipped from its stores; also, all the arms of the various veteran regiments have been received and stored, and, at the expiration of furloughs, re-issued by the officer in charge of the department. The arsenal, located in the midst of the city, in which is stored a large quantity of materials liable to explode at any moment, has given rise to much dissatisfaction on the part of the citizens living in the immediate vicinity. Quite recently, two fires occurred in the frame buildings adjacent, and it was saved from destruction only by prompt efforts and the removal of a stable adjoining. In view of the complaints, which seem to be well grounded, I would respectfully suggest that the General Assembly, in the exercise of sound discretion, take such steps for its removal, or the building of a larger and more suitable ordnance depot, beyond the limits of the city.

I would also recommend that a sufficient appropriation be made, to reimburse the party, the destruction of whose property was necessary to save the arsenal.

I cannot speak in too high terms of Col. W. D. Crowell, the officer in charge of the arsenal. He has shown the utmost faithfulness and ability in the discharge of his duties.

THE MILITIA.

I will not discuss the importance of a military organization of the State further than to refer you to my former messages on this subject, and to add my firm conviction that it is the duty of this General Assembly to pass a law providing for putting the State upon a complete military footing. There have been times, during my administration, when I felt the want of such a law. The raids into Pennsylvania by Lee, and into Indiana and Ohio, when those States had no military organization to meet them, show that our statesmen have not paid much attention to the safe maxim, "in peace prepare for war." The threatened raids upon the Ohio at Paducah and Shawneetown, were sufficient to create general alarm. If Forrest had been successful at Paducah, or Price had been successful in Missouri, they would have looked to the rich fields of Illinois for conquest and plunder. The first duty of every citizen is to the State, and, therefore, let the General Assembly enact such laws as will, in case of emergency, upon the shortest notice, secure the services of every able-bodied citizen to the State. At my re-

quest, one of our best and ablest officers, Colonel John M. Loomis, late of the 26th Illinois infantry, has commenced the preparation of a bill, which he will, if desired, submit to the committee on military affairs, for their consideration.

RECORD OF ILLINOIS SOLDIERS.

I would recommend to the Legislature that a work be prepared and published, giving the name, age, residence, occupation, nativity, date of enlistment and muster of every Illinois soldier engaged in government service during this war. Also, a historical memoranda, embracing the casualties to officers and men, and the marches, skirmishes and battles in which each company and regiment have participated, and the different brigade, division, army corps and departments to which they have been attached during their term of service. This record could be compiled from rolls and files of the Adjutant General's office, and reports from the field, which could, with proper attention, be procured. To secure an accurate history of men and organizations, the work should be immediately commenced, and finished before regiments now in service are disbanded on expiration of term of enlistment. The work would be of priceless value to our State for all time, and would remain the most glorious history of the part we have taken in the war for defense of the Union, that could possibly be written. I sincerely hope the Legislature will seriously consider and carry out this recommendation.

RECOMMENDATIONS FOR TAX FOR DESTITUTE FAMILIES OF SOLDIERS, SCHOOLS FOR SOLDIERS' ORPHANS, AND A STATE SANITARY BUREAU.

I solicit the earnest consideration of the General Assembly to several important propositions. First—that a tax be levied of not less than two mills to the dollar during the continuance of the war, for the relief of the destitute families of our deceased and disabled soldiers. In some states, large provision has been made by the Legislature for this object, while in ours none has been made. The cases of actual suffering which have come to my notice have been very numerous. Ohio levies a tax of two mills on the dollar for this purpose. Illinois is not a parsimonious people, and while no state has beat her in the valor of her troops, I trust none shall in the generosity of her people. Second—that a State Sanitary

Bureau be established, and ample appropriation be made for sending efficient agents to all the principal points where our troops are operating to distribute supplies, or to see that our troops receive their full share of the supplies from this State which are required to be distributed through the United States Sanitary Commission; also to visit our sick and wounded, and minister to their wants on the battle-field, to aid them in procuring furloughs, discharges, pay, etc. Indeed, I think that an agent might be usefully employed in accompanying each regiment of Illinois Volunteers, for the purpose of taking care of the sick, burying the dead, marking the spot of burial and corresponding with the friends and government at home, and making an annual report to the Adjutant General's office of the condition, wants, sufferings and achievements of the regiment. Under the supervision of this Bureau might be established a claim agency, through which all claims, pensions and bounties might be collected, free of cost to the claimant.

Second—each county court should be vested with authority to erect a monument to the officers and soldiers from that county who had died from wounds received in battle.

Third—that a stipulated sum be appropriated by a well digested enactment of this General Assembly, with all the proper details, guards and restrictions, setting apart a fund to erect buildings and endow an institution as a home for the maintenance and education of the orphan children of our deceased or disabled soldiers, or that the said fund be properly distributed for their support, and their education in the district schools of the State.

At Chicago, Quincy, Mattoon, and other places in the State, patriotic and benevolent individuals have already made large subscriptions towards the erection of homes for the orphan children of our soldiers, which entitles them to the gratitude of the country, and while very much has been, and doubtless will be done by patriotic and benevolent men and women in this direction, I appeal to the General Assembly not to suffer the performance of this great duty to depend upon the uncertain contingency of private benevolence.

If this government, with its million blessings, is to be secured to us, and transmitted to future generations, it will be done by our soldiers. If the army saves the republic, should there not be something like adequate remuneration to the men who have sacrificed

so much for the country? and should not we who have remained at home, having a million bayonets between us and danger, enjoying all the blessings of peace, and many actually reaping benefits besides from the war, in all kinds of business revived, provide for the comfort of their families? These brave boys comprise the flower of the commonwealth—are as intelligent and worthy as we. Many of them have left wives and children dependent upon them for support, and, with the present scanty pay, they find it impossible to keep them from penury, and I know hundreds of instances of actual suffering. It would be a burning shame if the exercise of noble devotion of our citizens, who are willing to give up their homes, their wives and children, should be the cause of suffering to those dearer to them than life. Let the provision be ample enough for every child in Illinois who can say, “my father fell at Belmont, or at Donelson, or Shiloh, or Corinth, or Vicksburg, Stone River, Chattanooga, Mission Ridge, Mobile, the capture of Richmond, the siege and destruction of Charleston, or the last grand triumphant struggle between freedom and slavery.” It is no charity that I ask you to bestow upon them—it is your *duty* to take notice of every household saddened by the loss of a father or son in this war, and no man can enjoy the blessings of an approving conscience in this life, or the hope of salvation hereafter, who dares to neglect them. If the country will not take care of and provide for them, we are unworthy the sacrifices of our patriot sires of the revolution, and the shining record of manly courage and lofty patriotism of the Union armies of this day. No State is worthy of its sovereignty, and no government the respect of its people, who will not protect and nurture the children of its soldiers. No marble shaft marks the spot where sleep in the valley of the Cumberland or Tennessee, or on the banks of the father of waters, the remains of the brave Illinois volunteer, but we will most honor the dead by taking care of the living; and I speak in the name of the loyal millions of Illinois when I say that in all the ranks of the destitute children of our fallen and disabled soldiers, not one shall be left to beg or grow up in ignorance for want of an education. Illinois! the first upon the roll of honor among all the States, shall she not be among the first to emblazon her proud historic record by setting apart a liberal and unfailing endowment for the support and education of the indigent orphans of the soldiers of the State?

SOLDIERS' NATIONAL CEMETERY AT GETTYSBURG.

In August, 1863, shortly after the battle of Gettysburg, Pennsylvania, it was proposed by the Governor of Pennsylvania, that a National Cemetery should be established at Gettysburg, for the burial of all the Union soldiers killed in said battle. This proposition was made to the Governors of all those States whose soldiers had participated in the battle, to wit: the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Ohio, Indiana, Wisconsin, Michigan, Minnesota and Illinois; and in it was embodied a plan for the establishment of the cemetery, which provides for the purchase of the ground, transfer of the bodies, and the establishment and maintenance of the cemetery, and also for the erection of a suitable monument, and the expenses for the establishment and maintenance of the cemetery, etc., to be apportioned among the States having soldiers buried there, each State to be assessed according to its population, as indicated by its representation in Congress. Without express authority, I deemed it my duty to join the Executives of other States named, in the acceptance of the plan, and thus securing to the noble sons of Illinois who had lost their lives in that sanguinary struggle a suitable resting place. The grounds were accordingly purchased and laid out by the State of Pennsylvania, and in November, 1863, I appointed Messrs. Clark E. Carr, of Galesburg, and Wm. L. Church, of Chicago, commissioners, to represent the State of Illinois at the inauguration ceremonies, which took place on the 19th of November, 1863. I would call your attention to all the correspondence on this subject herewith submitted, and the interesting report of the commissioners, which will be submitted to you.

I doubt not that my action in thus accepting, in behalf of the people of the State, a proposition securing to their brave dead a resting place and a monument worthy of their gallant deeds, will be approved, and that an appropriation will be made by the General Assembly of the proportionate share of Illinois, to be paid to the treasurer of the National Cemetery Association, in such installments as may be called for by the officers of the association; and also that an appropriation be made to pay the expenses of the commissioners, as set forth in their report.

OUR COUNTRY.

In my inaugural and messages I presented at length my views upon the causes and remedies for the political troubles in which our country is involved. I shall now only refer to the present military situation, and to the hopeful prospects from the emphatic endorsement of the measures of the administration at the late election. Of the former, it is sufficient to say that, without feeling the first symptoms of exhaustion in the free loyal states, our arms are everywhere victorious, upon the land and upon the sea. We have lost no important ground; we have reclaimed the larger part of the territory and national property which had been taken from us. Grant has driven the enemy, step by step, from its siege of Washington to the gates of Richmond; Sheridan has swept clean the valley of the Shenandoah, driving Early backward, no more to lay waste our borders; Farragut remains undisputed conqueror of the seas; Sherman dashes, with Napoleonic tramp, and roams unrestrained, from city to city, through the very heart of the confederacy, unfurls our flag defiantly in the face of Charleston—soon to wave in re-established glory upon the very heights from which traitor hands struck it. And the very latest, perhaps the cleanest and most glorious victory of the war, displaying the most indomitable valor and brilliant achievements of our troops, is that of General Thomas and his brave army. The bonds of the confederacy are worthless in their own and every foreign market, all hope of foreign intervention or northern revolution, has failed them, and to-day our nation stands under brighter skies than have smiled upon us since the inauguration of the President on the 4th day of March, 1861, and before us the cheering prospect of speedy and final victory.

The verdict of the American people, at the late election, solved finally and forever all the questions of doubt as to the policy which is hereafter to be pursued. The history of the world presents no such grand results achieved in the interests of human liberty as that presented on the 8th day of November last, when the people, in the face of heavy taxation and enormous debt, in the face of immense sacrifice of life and treasure, when, amidst the trials, stress and storms of civil war, and the most intense political excitement, they went in almost breathless quiet to the polls, and recorded

their solemn verdict upon all the controverted questions which before have divided and agitated the country.

The result of that election has defeated all the hopes and expectations of the rebel leaders. Vice President Stephens, by far the greatest of all the insurgent leaders, confidently looked to divided counsels in the north as almost the last and only hope of success. But the verdict of the American people has declared, in language which does not admit of misconstruction, an invincible determination to prosecute the war to the bitter end of their final subjugation and annihilation, if they wickedly persist in their purposes and efforts to overthrow the government.

Every patriot contemplates with gratitude to God the safe passage of the nation through the ordeal of the Presidential election. We were in the midst of a terrible war—a fierce party contest was raging in all the loyal states, with personal hatreds and private ambition, and every element calculated to fan into frenzy the popular passions—there were ominous threatenings of civil war in the free states—the enemies of our government, in Europe as well as in the disloyal states, expected and predicted fatal divisions, and loyal men everywhere held their breath, in anxious fear of anarchy and disruption. But universal quiet everywhere prevailed, and peace, like the breath of spring, settled upon all the territory of the loyal states; and be it recorded as one of the sublimest spectacles in history, that the defeated party cheerfully acquiesced in the will of the majority. It is a pleasure now to record that, whether the minority was right or wrong before the election, they are all right now, and all bow in reverence and submission to the decisions of the ballot box—and whether they do believe the measures of the administration were the best or not, they yield a cheerful acquiescence, and evince every determination to stand by the authorities, and prosecute the war with the utmost vigor, because such is the verdict of the people.

I am far from disposed to consider the triumph at the late election in the light of a mere party triumph. It was a national victory. The enemies of the government need not lay the flattering unction to their souls that, because there was not perfect unanimity, there was any great division upon the leading question of the war, whether the Union shall be preserved. It would be absurd, and maliciously false, as well as detracting from the strength of the

nation, to denominate as rebels all who have differed with the measures and policy of the government. It is but justice to say of our fellow citizens in Illinois, who constitute the minority, that however they differed from us as to the men and measures of the administration, yet by far the larger part of them had convictions as strong and deep as our own in favor of the preservation of our glorious Union, and that to-day the sentiment of the free loyal states approximates closely to a unit in favor of all the leading principles of our republican institutions. This important fact is evidence of our national strength, and a warning to traitors and tyrants that though our people do not vote alike, yet they feel, think and will act alike upon the main question of preserving unbroken our nationality.

It teaches to foreign nations that there is an intense and undivided sentiment in favor of the preservation of the Union at every hazard of human life and national treasure, and that while the United States desires and prays for peace with all the world, she is not so divided as to brook any interference from any foreign government, potentate or power, in the adjustment of the question whether she shall require and enforce obedience to her constitution and laws. And protesting that peace is our desire and not war, I speak in behalf of the two millions of Illinois, when I say that they stand ready to repel with the strong arm of military power, interference from any foreign country, or any of its dependencies; and that we will meet them on the land or on the sea, whenever they seek to try the issue. We mind our own business, let foreign nations mind theirs. We ask no favors, nothing but the neutrality which every nation interested to maintain its national authority must have, and that we will have or we will have war. Such language is not diplomatic, but it is the feeling of every true hearted American, who has reluctantly been forced to believe that through jealousy of our growing power and our free and liberal institutions, the two great nations of Europe have not only sympathized with but contributed material aid to the rebels in their attempt to overthrow our government. For such offences the United States has too long been paid with diplomatic apologies. The United States could well overlook the unauthorized acts of reckless British sailors and bravadoes; but British statesmen, men of rank and power, the large portion of the British nobility and the government press have from the beginning of the war exhibited to our cause bitter hostility

and rejoiced in the reverses to our arms. They have given friendly connivance to vessels which ran our blockades, and to pirates who preyed upon our commerce; have suffered piratical ships to be built in her ports, and to be manned with sailors from her navy, and our brave boys fighting for the Union have been shot by English cannon and English muskets placed in the hands of the rebels by British gold. Rebel ambassadors and conspirators have been feted and lionized at British courts, while our ministers have been treated with the cold formalities of diplomatic intercourse. In a neighboring British province traitors from the south and the north, and foreign emissaries, have holden their counsel of treason and conspiracy against our government, while southern traitors have sought the protection of English soil from which to send their raiders to burn our vessels on the lakes and rob and murder our citizens.

Now our only reliance for a continuation of peace with England is thorough and ample preparation for war. We cannot calculate upon her justice when her sympathies and prejudices are so marked against us. Our immunity from war with England is in our strength. Our policy and our safety is to let it be made apparent to England and all foreign nations that we ask no favors, and that we can make war more destructive to them than they can to us. While we appeal to their justice, we will let them understand that we expect it more from the strength of our naval marine and the calibre of our guns, than from any fair foreign appreciation of our cause. In this connexion I recommend the General Assembly to express in strong terms their approval of the action of the President, that after the expiration of the six months conditionally stipulated in the arrangement with Great Britain, the United States will proceed to increase her naval armament upon the lakes. The State of Illinois, as well as every State bordering upon the lakes, is deeply interested in this question. Our cities and harbors are exposed to raids and incursions without vessels of war to protect them. Indeed, the power to control the northern lakes is now in the hands of the British government, because by her canals she could in a few weeks place a fleet of gunboats upon them by which she could annihilate our commerce and place all of our lake cities, without a single exception, at the mercy of the invader. And here also is the war argument in favor of our own ship canal, by which we could transfer our fleets of gunboats, transports and munitions of

war from our seaboard to the lakes, if required by the emergency of war with a foreign nation.

But again, the verdict of the people at the late election is the death of the traitorous theory of secession. It reasserts the doctrine of our fathers, as maintained in the late Baltimore platform, that the Union is not a mere compact or league from which any State may recede at its mere caprice or pleasure; and we send down to our children our solemn verdict that the national government is the sovereign power of the land—that the constitution of the United States and the laws made in pursuance thereof shall be the supreme law of the land. There is no political heresy so dangerous to the existence of our government as the doctrine of the right of secession which southern politicians have sugar coated with the plausible sobriquet of State Sovereignty. The theory is full of danger—of inevitable national disintegration and final overthrow. Were I to presume to leave a lesson to my children most serviceable to my country, it would be to guard against the insidious doctrine of State sovereignty in the meaning which nearly all southern politicians and many northern politicians have given to it. To understand the immense danger, look at the action of Governor Seymour, who during the war has thrown the power of the Empire State of the Union against the constituted authorities of the government, and consequently against a vigorous prosecution of the war, under an hypocritical pretense that his action was dictated by a controlling desire to preserve the rights of the States from federal usurpation.

The motto of the State of Illinois is "State Sovereignty and National Union," which, properly understood, is, in my estimation, the best and most beautiful motto which adorns the armorial bearings of any State in the Union. I am for unlimited state sovereignty in the true sense: in the sense that the State is to control and direct all its municipal and local legislation; and I would be among the first to resist all attempts upon the part of the Federal Government to interpose tyrannical usurpation of power in controlling the legislation of the States. The States are sovereign, in every sense in which it is desirable they should have sovereignty: that is, the people know and understand their immediate wants, social, agricultural, commercial, mechanical, educational, municipal; and the interference of Congress, except in aid of these, with the consent of the people of the States, would be a flagrant abuse of power, which every patriot son of Illinois would resist with all

his energies, and *all* his life. But how immensely absurd is the idea that the people of the States should unite together, and form a written constitution, and constitute a national government, with representation from the people from every State, and confer upon that government all the powers of peace and war, and every power, in fact, which affected the safety and prosperity of all the States, and all the people, as one nationality, and constitute a Congress to make the laws necessary for the government of the whole—an executive, chosen from all the people, to execute the laws, and a judiciary composed of men, residents of the different states, and declare the constitution and laws the supreme authority in the land, to decide the questions at variance between the government and the States, and between the several States themselves, and yet admit that any State may, at its mere pleasure, peaceably withdraw from the Union. Such was the doctrine of the old confederacy. The States first formed a confederacy in the nature of a mere league; but, being found ineffectual, a constitution was formed by the people of the States for a more perfect union, for the express purpose of doing away with the principle of unlimited State sovereignty.

I hail it as the most important result of our glorious war that the doctrine of the fathers has been re-asserted, and that, while we are opposed to a monarchy or to a consolidated government, which would ignore the existence of state sovereignty, yet we recognize as essential to union and national perpetuity, the centralization somewhere of a power which shall be the arbiter in the case of disagreement between the States. Otherwise, indeed, our government is a rope of sand. If any one will carefully study the form of our government, he will see the necessity of the checks and balances which our fathers threw around it; for there are two powers in constant and increasing conflict, and if a fair equilibrium is not maintained, the government is lost. In the solar system, the sun holds the planets in their orbits, and, but for its power, each planet would fly off darkling through the realms of space; but if its power were uncontrolled, and above all the laws of forces and equilibrium, it would, by the force of natural gravity, draw every planet headlong into the central orb, which would be consolidation, and resemble the despotism and powers of Europe. But, on the other hand, if the sun were to lose its supremacy altogether, and the planets should become the supreme forces, they

would fly off lawless through the void, producing wild anarchy in the solar system, which nothing but the Almighty Power, who created them and all things, could subdue. Our only safety is in the hope that these forces, in our State and national governments, will balance each other; that, in strict obedience to constitutional law, the States will perform their duties to their own citizens, to each other, and to the whole nation; and that the national government will commit no usurpation of state privileges. The careful observer of our government will perceive that the tendency is not to consolidation, but to anarchy and dissolution. The rapidity in growth and population of the States, makes them feel their consequence and strength more, and their dependence less sensibly on the Federal Government; like the high-spirited youth who feels less dependent, from day to day, as he approximates the age of his majority.

Indeed, we may say that our government is fearfully and wonderfully made, and the great machine of state must move, self-poised, magnificently onward between the dead calm of consolidation and the convulsions of anarchy and disunion.

The late election has settled all disputed questions. It is settled that traitors may be arrested and hung; it is settled that the first duty of every citizen is to his country, and that he may be drafted into the military service; it is settled that men, irrespective of color, may be employed in the military service of the country.

But, again, this election has settled the great question of slavery. It has indorsed the proclamation of the President, and all the measures of his administration tending to the emancipation of the slave. Whatever may have been the sentiment of the American people heretofore on the subject of slavery, it cannot be denied that they have fully resolved that it must cease to exist in every State and Territory of the Union.

I have ever believed that the slavery question was the source of all our national troubles; that it was at war with the genius of our institutions, and that we can never have permanent peace and a harmonious Union without its thorough eradication; and while statesmen of the highest standing, and many good men everywhere, have feared lest radical measures might endanger the unity of the friends of the government, and that some end short of radical and universal emancipation was the best policy of the govern-

ment, and necessary to the preservation of the Union, yet I have ever believed, and now believe, that it is in the councils of a higher power than man that this rebellion will know no end except upon the basis of unconditional and universal emancipation. In fact, I may go further and say that I scarce desire to see this war terminated with this disturbing element left to divide our councils, to embroil citizen against citizen and State against State, to result in another bloody war and perhaps in final disunion. I do not desire to see the war terminated until it shall be a recognized fact—recognized not only by our own government, but by the Confederate States, including both government and people, and be made patent to all the civilized nations of the world, that not under the constitution of the United States—not under any constitution or law of any seceded State—not under any decision of any legal tribunal, State or National—and not even in any conventional, moral, social or individual sense, shall the relation of slave and master, in the form of absolute submission on the one hand and uncontrolled ownership on the other hand, be recognized upon any portion of North American soil. Already reeling and tottering beneath the blows it has already received, it is our duty to give this accursed wrong and cause of all our sufferings a final blow, and send it to a grave from which it will have no resurrection. When the shout of victory comes to us from Grant, or Sherman's armies, we rejoice, because we consider each victory brings us nearer peace and the restored authority of the government. We rejoice when we hear that Atlanta, Mobile or Savannah is ours, but I shall consider peace nearer when, either through the legislation of Congress or from the act of our armies, or of the rebels themselves, slavery is destroyed. It is significant to me of victory when I see the recent movement of the south towards organizing the negroes into regiments, putting arms into their hands, and giving them their freedom. It is a strange phenomenon in history: the leaders of an insurrection calling upon the cause of that insurrection to save it. Driven to madness and despair, they themselves commence putting down their "divine institution" for which they commenced the war. Providence is shaping their destiny so that with their own hands they shall bring to destruction the very thing that they meant to maintain, and which they designed to make the permanent corner stone of their new confederacy. Of what use

will a new government be to the rebels when their slaves are free, and when they can have no use for it?

I am for freeing the negro by every constitutional means; and I believe, as I ever did, that had the seceded States behaved themselves—had they been true and loyal to the Government—they had from all the people of all the loyal States an unfailing guarantee of non-intervention in their domestic institutions. Indeed, very few if any prominent statesmen believed that Congress had any power whatever to interfere with the institution of slavery. But what government may lawfully do, in time of peace, against its own citizens who are loyal to the government, and what it may lawfully do towards those citizens in time of war, when they themselves have thrown off their allegiance to the government, and become open and diabolical enemies of that government, is quite another thing. To illustrate: the humblest American citizen has rights which the whole American government and all the powers of darkness cannot deprive him of while he is a good, loyal citizen and obeys the laws of his country. To him, personal liberty and protection is a sacred right, which the lordliest in the land dare not infringe with impunity; but if he violates the law—if he commits theft or murder—if he becomes an outlaw—then he may be deprived of his personal liberty. So, although it was in the bond that slavery should not be interfered with in the States, yet when those States and the people break the bond—trample the very constitution and laws, which were the shield of their protection, under their feet—deny their allegiance to that constitution, take up arms to overthrow the government, and become the public enemies of the country—then the government may take that man's life, or his property of any and every kind, if necessary, to compel his submission and save the government. And, therefore, I have no doubt of the power of Congress, in such a case, to pass a broad, manly act of emancipation, breaking the chains of every slave in every seceded State; and my doctrine is the immediate, total abolition of slavery in every seceded State.

Of course, Congress would have no power to abolish slavery in the loyal and adhering States, without their consent, and hence the necessity of an amendment to the constitution, by which slavery shall be abolished in every State, loyal as well as disloyal, under the forms and in the manner prescribed by the Constitution—and thus free the whole land forever from the everlasting curse of

human bondage. It will be one of the earliest duties, I trust, of your honorable bodies, to urge upon Congress immediate action upon the proposed amendment of the constitution abolishing slavery throughout the United States. During the last session of Congress it passed, by a majority of two-thirds in the Senate, both the Senators from Maryland, both the Senators from West Virginia, and both the Senators from Missouri, and a large majority of the Senators representing slave States voting for it. In the House it failed for want of a two-thirds vote, and lacked only eleven votes of passing, so that, although the same Congress is to sit again, this winter, yet so emphatic has been the verdict of the people in its favor, as to induce the belief that there will be enough members, who opposed it before, to conform to the national will and carry it through the present Congress; but if they do not, then the next Congress, already elected upon that issue, will carry the measure triumphantly through. Then it will be part of the organic law of the republic, wiping out the last blot upon the fair charter of our freedom—universal freedom for all—everywhere under the folds of our starry banner.

It is perhaps difficult to tell in how many new and different phases the question may during the next two years assume—how many plans for gradual or half-way emancipation—how many compromises may be devised by politicians, but I confidently trust that the voice of Illinois shall be ever living and potential, through her honored representatives in the General Assembly, for the most direct and shortest route to radical and universal emancipation.

Another lesson taught by the late election was, that the war shall be vigorously prosecuted until every armed rebel shall lay down his arms and submit to the rightful authority of the government, and until our national flag shall wave in triumph over all our broad territory in all its geographical bounds, one and unbroken, from gulf to gulf, and from ocean to ocean. The triumph of the war policy at the polls is the triumph of the war itself. It never has been a question in the mind of any sound statesman or general, whether we had the power to conquer the rebels into obedience to the government; the only question was whether we would do it—and we have now decided the question of the result of the war by the emphatic announcement of the people that they intend to fight the war through—yes! fight it through, and settle all ques-

tions in dispute for all time to come. No one can fail to admire the wisdom and humanity of the President in his late message, wherein he says, in substance, that while he declines to hold out terms of negotiation to the insurgent leaders, yet he holds out the olive branch of peace to the masses who follow their leaders, and tell them that "they can at any moment have peace by laying down their arms and submitting to the national authority under the constitution." He says, "the door has been and is still open to all, but the time may come, probably, when public duty shall demand that it be closed, and in lieu, more vigorous measures than heretofore shall be adopted."

Now is a time, if ever, the nation can afford to be magnanimous, in view of our great strength and the unanimity of our people, as expressed at the recent election—in view of the fact that the enemy is everywhere close pressed by our conquering legions—we can now, not taking counsel from our fears, but from our magnanimity and with the power of conscious strength, knowing that our final triumph is but a question of time, we can invite the deluded masses of the south to lay down their arms and come in again to share the protection and blessings of the government.

But in the mean time every effort should be made to push forward vigorously the car of war. Not for one moment should the executive stay his strong military arm in the suppression of the rebellion. The greatest calamity which could befall this country now; in fact the greatest danger to be apprehended is that, from the very consciousness of our strength and the speedy prospect of success, we may relax our efforts, and the war become a protracted, lazy, heavy, dragging war. Should such be the case, there is no telling what may be the final issue—what demoralization may seize our army—what divisions may spring up among the people—at what time foreign nations may consider it their duty to intervene, and finally what disgraceful compromise and dishonorable peace may be brought about, leaving all the blood and treasure of four years' terrible war to have been expended in vain. The only hope of the enemy is that we will fail to follow up the advantages already gained. If ever, *now* is the time to press forward with overwhelming demonstration of our national power and forces to the goal of speedy and final victory. *Onward* with the war. The people should demand it; every legislative assembly should press it upon Congress; Congress should press it upon the President, and the President upon

the Generals in the army; the whole nation should wake up to the one great purpose, and resolve that there shall now be no lagging in the war. And while we hold out the words of kindness and the olive branch of peace to the south, let us resolve upon quick, sharp, decisive war, and besides paying liberal bounties to our soldiers at home, let us adopt the ancient mode of war, hold out to our boys in blue the sunny fields of the south, capture the territory, divide the lands among the soldiers, to be held by them and their heirs in fee simple forever. We have long held out this same olive branch by the proclamations of the President. The only answer has been insult and injury. The most savage cruelties have been heaped upon our prisoners in the hands of the enemy, and from Jeff. Davis has come the bold and defiant language that he will never consent to any peace—his voice is still for war until the United States shall acknowledge the independence of the Confederate States.” Now I am here to-day to say in behalf of the loyal millions of Illinois, and I trust this General Assembly is prepared to say, and to throw in the face of Jeff. Davis and of his minions, and of all traitors who would destroy our Union, the determined response that in the booming thunders of Farragut’s cannon, in the terrible onslaught of Sherman’s legions, in the flaming sabres of Sheridan’s cavalry, and in the red battle glare of Grant’s artillery, our voice is still for war—war to the knife—all the dread enginery of war—persistent, unrelenting, stupendous, exterminating war, till the last rebel shall lay down his arms and our flag float in triumph over the land.

Upon the subject which agitates the minds of many, whether the north and south, after such deadly strife, can ever resume friendly relations and live in harmonious fellowship in one Union and under the same government, is a question which has never given me any doubt. Slavery has been the only ground of bitterness and division. All other questions were political and commercial, which all were ready to submit to the common arbitrament of the ballot; but the question of slavery was social, domestic and organic, and perhaps like all the questions involving the rights of man and the principles of liberty, which have engendered bloody wars in all ages and all nations. There could have been no solution to this question, except the war which has grown out of it. But slavery once removed, there will be an homogeneousness of sentiment, having the effect to bind together the north and the south.

The tides of emigration are already thrown into new channels. Emigration from the south to the north and from the north to the south now crosses each other at all our commercial points on our rivers and along all our thoroughfares of trade.

The black wall of slavery, which, like a frightful specter, drove the emigrant from the sunny fields and rich savannahs of the south, is, or soon will be, broken down—the process of intermixture, intermarriage, reciprocal business and commercial relations, will assume the place of the unsocial isolations which have heretofore divided the sections. And though the war has been bitter and bloody, yet the history of most nations of Europe teaches that they have survived long and bloody civil wars, and yet afterwards lived in peace and harmony under the same government. Such is the history of France, after her revolution. The civil war of England, in the memorable days of Cromwell, was marked by scenes of violence, of confiscation of property, of devastation of estates and desolation of towns and cities, as intense and terrible as those which have marked the progress of our civil war. Upon the re-establishment of the government, the people became united, and every memory of the rancour of the war soon disappeared. And so, after the vindication of our national authority, each section awarding to the other the credit due to lofty and indomitable prowess, like friends who have fought it out and are better friends ever after, so will the north and the south bury the memory of their wrongs. Massachusetts and Illinois will again reunite with Virginia and Georgia over the grave of treason, and together with the new-born sisters of the confederacy, will live on in the bonds of a new brotherhood, and with fresh allegiance to the constitution, and an unflinching faith in the proved strength of our institutions and man's capacity for self government, strengthened and reassured by the baptism of blood through which the nation has passed, they will move on as one people, united forever.

Such is to be the end of events passing before us, and I trust that the people of the United States, and their posterity, while they offer up praises and thanksgiving to Almighty God for the deliverance he has brought to our people out of this red sea of blood—they will bless with a nation's gratitude, from age to age, the memories of the brave men who have perilled all for their country in

its dark and trying hour. And when our own Illinois, upon some national holiday, shall meet all our returning soldiers, as they shall pass in serried ranks, with their old battle scarred banners and shivered cannons, and rusty bayonets and sabres—with rebel flags and rebel trophies of every kind—at this mighty triumphal procession, surpassing the proudest festivals of ancient Rome and Greece, in their palmiest days, then the loud plaudits of a grateful people will go up: All hail to the veterans who have given our flag to the God of storms, the battle and the breeze, and consecrated our country afresh to union, liberty and humanity.

Gentlemen of the General Assembly: In taking my leave of the high responsibilities of the executive of this great State, I can congratulate you and the people that the administration of its affairs will pass into the hands of a successor who is fully competent to the trust committed to his care—who has given the highest evidence of devotion to the country, by both distinguished civil and military service—and in whose great ability, sound judgment and unswerving integrity I have the most entire confidence.

I cannot fail here to refer in kindness and gratitude to Lieutenant Governor Hoffman, who has been my constant adviser and counselor, and who has acted as Governor in my absence, with great ability and efficiency; and to my associate State officers, Hon. Jesse K. Dubois, Hon. O. M. Hatch and Hon. William Butler, to whom I am deeply indebted for wise counsel and cordial co-operation in important matters of my administration. Also, to Quartermaster General Ex-Governor John Wood, and Commissary General John Williams, for most indefatigable and efficient service; and also to the aid-de-camps in my office, and in the office of the Adjutant General, and to the clerks in all the departments of the State government, for their faithful and useful labors.

I must be indulged in saying that, while, doubtless, many omissions have occurred, and many errors have been committed, yet my labors have been severe and arduous, and that perplexities of a most difficult and unusual character, growing out of the unsettled condition of the country, have met me on every hand—among which was lack of co-operation in a co-ordinate branch of the government, and the want of adequate appropriations required in the new emer-

gencies to be met by the Executive. However, I shall never regret the anxieties, cares and responsibilities which have devolved upon me, if, in some degree, I have discharged the high trust committed to me to the satisfaction of the people of the State.

RICHARD YATES.

January 2, 1865.



MESSAGE

FROM

GOVERNOR YATES,

TRANSMITTING

REPORTS OF Hon. I. N. MORRIS,

IN RELATION TO THE

TWO PER CENT. FUND.



SPRINGFIELD:
BAKER & PHILLIPS, PRINTERS.

1865.



MESSAGE

OF HIS EXCELLENCY,

RICHARD YATES,

GOVERNOR OF ILLINOIS,

IN RESPONSE TO RESOLUTIONS OF THE HOUSE OF REPRESENTA-
TIVES, OF JANUARY 6, 1865, IN RELATION TO THE

CLAIM OF ILLINOIS AGAINST THE UNITED STATE

FOR TWO PER CENT. OF THE NET PROCEEDS ARISING
FROM THE SALE OF PUBLIC LANDS.

SPRINGFIELD:
BAKER & PHILLIPS, PRINTERS.

1865.



MESSAGE.

EXECUTIVE DEPARTMENT,
Springfield, Illinois, January 10, 1865.

To the Honorable the House of Representatives :

In response to certain resolutions adopted by the House of Representatives, on the 6th instant, having reference, as I understand them, to the claim of Illinois against the United States for two per cent. of the net proceeds arising from the sale of public lands which was reserved in the compact between the United States and Illinois to be expended, under the direction of Congress, in constructing roads leading to the State, I have the honor to communicate the facts in relation to the claim made by the State and my action in connection therewith, together with such suggestions as, in my opinion, will fully enable the State to arrive at a just conclusion on the subject.

In 1818, Congress passed an act to enable the people of Illinois Territory to form a constitution and State government, and for the admission of such State into the Union. The sixth section of that act offered four certain propositions to the convention of said territory, when formed, for their free acceptance or rejection, and which, if accepted by the convention, should, as the law expressly declares, "*be obligatory on the United States.*" These propositions were accepted, and the conditions upon which they were made strictly observed, by which the State lost a large amount of revenue in refraining to tax the public lands for five years from and after the day of sale, and the patented lands for three years after the date of the patents, respectively, where they were continued to be held by the patentees or their heirs, as an equivalent for this, and not as a gratuity or donation. The third proposition declares "that five per cent. of the net proceeds of the lands lying within such State, and which shall be sold by Congress, from and after the first day of January, one thousand eight hundred and nineteen, after deducting all expenses incident to the same, shall be reserved for the purposes following, viz: two fifths to be disbursed under the direction of Congress, in making roads leading to the State, the residue to be appropriated by the Legislature of the State for the encouragement of learning, of which one-sixth part shall be exclusively bestowed on a college or university."

The three per cent., thus set apart to the State, for educational purposes, has been, from time to time, paid over by the United States, but not a dollar of the two per cent., set apart for road purposes, has ever been paid; nor can it be shown that it has been expended in a manner required by the trust. The money, as it accumulated in the treasury, belonged to the State, and Congress was only empowered, as trustee, to disburse it in conformity to the terms imposed upon them. It has not been pretended that the money was used in "making roads leading to the State." The Interior Department has, however, claimed that the State should be charged with the sums expended within her limits on the National or Cumberland road, while the Treasury Department, where such matters are properly cognizable, has never made a charge of such character against the fund. While my limits forbid a discussion of the ground assumed by the Interior Secretary, I feel it my duty to say, I believe it wholly untenable, and it certainly operates very unjustly towards the State.

A provision, setting apart five per cent. of the net proceeds arising from the sales of public lands, will be found in the enabling act of each new State admitted into the Union, in which such lands were situated, or in the act providing for such admission, barring California; and, with three exceptions, each State to which the amount was granted received it in money from the National treasury, and disposed of it by their own legislative enactments. Congress did not attempt to execute the trust, but transferred it to the Legislatures of the states respectively. The three exceptions, referred to, are Ohio, Indiana and Illinois. Their road fund of two per cent., together with that of Missouri, which was subsequently paid over to that State, was reserved by certain acts of Congress, to reimburse the treasury for appropriations made out of it to construct the National road, but not in a manner warranted by the trust. Ohio and Indiana, however, by solemn acts of their legislatures accepted the portions of the road lying within their respective limits, upon which some three and a half millions of dollars were expended, and have derived a revenue from them. Illinois never adopted such legislation; never recognized the work done within her boundaries as of any value, and never, in any way, made an appropriation of it, so that she, of all the States, has derived no advantage from the road fund set apart for her benefit, either in the way of expenditures or receipts of money.

If Congress had kept its faith and constructed the road, as it provided should be done through Illinois, instead of abandoning the enterprise, after making a few wasteful expenditures between her eastern limit and Vandalia, the equity of the case would be vastly different; though, even then, it could not be properly and justly insisted that the fund set apart for the *special benefit* of the State, and for which she had rendered a full equivalent, could be legally absorbed by Congress in a great National work, undertaken and prosecuted for the common benefit of the whole United States, especially in view of the fact that she had never accepted of such legislation.

From whatever point the subject may be contemplated, it seems to my mind clear that the State is entitled to receive from the United States the amount of her claim. That there is ample legislative provis-

ion requiring the payment I have as little doubt. The second section of an act of Congress, approved March 3, 1859, entitled "An act to settle certain accounts between the United States and the State of Mississippi and other States," makes it the duty of the Commissioner of the General Land Office to settle the account of Illinois, as one of the "other States"—allow and pay it. However, it is not necessary that I should enter into an argument upon this point with the Legislature. There can be but one mind among us on the subject.

As early as 1857, Hon. Isaac N. Morris, then a member of Congress from Illinois, commenced the prosecution of this claim before the Land Department, at Washington, and obtained the promise of that department that it should be adjusted and paid; whereupon, he sent a copy of his correspondence with the commissioners to his excellency Governor Bissell, and suggested the propriety of the appointment of an agent on behalf of the State to attend to the settlement of the account. Governor Bissell requested him to do it. Soon after my term of office, as executive of the State, commenced, Mr. Morris spoke to me upon the subject, and subsequently made a presentation of the laws and facts upon which he claimed the money was due the State. Upon an investigation of the matter I became satisfied his views were correct, and, inasmuch as he had, after great patience and labor, entirely familiarized himself with the whole subject, I deemed it my duty to appoint him to prosecute the claim for the State. He has submitted to me three different reports, pertaining to the business with which he was entrusted—two in printed form and one in manuscript—which are herewith transmitted, and to which I respectfully call your careful attention. These reports will be found very full, and exhibit clearly and conclusively the right of the State to payment of the claim.

The difficulties surrounding the prosecution of claims against the General Government, at this period, have environed Colonel Morris on all sides, yet he has brought to the discharge of his intricate and difficult mission the great skill and persistent industry requisite to success; and I feel, that for his distinguished fidelity and conscientious labors, the State is greatly indebted.

I recommend that the Legislature make a firm expression of their opinion in behalf of the claim of the State, and that a reasonable appropriation be made to defray the expenses of its prosecutor.

Respectfully,

RICHARD YATES, *Governor.*



REPORT OF THE HON. I. N. MORRIS,

ON THE

TWO PER CENT. FUND,

MADE TO HIS EXCELLENCY RICHARD YATES.



REPORT.

TO HIS EXCELLENCY, RICHARD YATES,
Governor of the State of Illinois:

SIR— I beg leave most respectfully to submit to you a partial report in the matter of the two per cent. fund arising from the net proceeds of the sales of public lands made within the State since January 1, 1819. In making this report I cannot, in view of the public interest or justice to myself, embrace in it all that it might be important and valuable to communicate. Hence I shall do but little more now than compile the record as far as it is made up, and add such observations as will be necessary to explain its different parts. On some future occasion I may transcend these limits.

Soon after my election to the 35th Congress, I entered upon an investigation of the claim of Illinois against the United States, for the two per cent. on the public lands sold in the State, and set apart in her enabling act "to be disbursed under the direction of Congress, in making roads leading to the State." The result of that investigation was to satisfy me that the amount was due the State, and that existing legislation required its payment. Consequently in a day or two after my arrival in Washington in December, 1857, I opened a correspondence upon the subject with the Hon. Thomas A. Hendricks, then Commissioner of the General Land Office, which is hereto subjoined:

WASHINGTON CITY, *December 12, 1857.*
HON. THOMAS A. HENDRICKS,
Commissioner of the General Land Office:

SIR— Will you have the goodness to communicate to me, at your earliest convenience, the gross amount of two-fifths of the five per cent. of the net proceeds of the public lands sold in the State of Illinois, to which said State is entitled for road purposes, under and by virtue of the third proposition contained in the sixth section of "An act to enable the people of the Illinois Territory to form a Constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States, approved April 18th, 1818."

Yours very respectfully,

I. N. MORRIS.

GENERAL LAND OFFICE, *December 17, 1857.*

HON. I. N. MORRIS,

House of Representatives:

SIR — I have the honor to acknowledge the receipt of your communication of the 12th instant, in reference to the three per cent. accruing to the State of Illinois under the provisions of the act of Congress, approved April 18th, 1818, and in reply have to state that the amount for the year 1856, was adjusted on the 27th July last, and forwarded to the First Comptroller of the Treasury for his decision thereon. The balance found to be due the State on the 31st of December, 1856, under the provisions of the said act amounted to \$13,791 69.

I am sir, very respectfully,

Your obedient servant,

THOS. A. HENDRICKS, *Commissioner.*

WASHINGTON, D. C., *December 19, 1857.*

HON. THOS. A. HENDRICKS,

Commissioner of the General Land Office:

SIR — I have the honor to be in receipt of your reply of the 17th to my letter of the 12th instant, and allow me to say that you either greatly misapprehended my communication, or I made a great mistake in writing it. I think if you will refer to it again, you will find the error is with you. I did not inquire for the amount of the three per cent. accruing to the State of Illinois under the provisions of the act for her admission into the Union, but desired to know the gross amount of the two per cent. to which said State is entitled for *road* purposes by virtue of said act.

Your early answer to that interrogatory will greatly oblige me.

I have the honor to remain, sir,

Yours very respectfully,

I. N. MORRIS.

GENERAL LAND OFFICE, *December 23, 1857.*

HON. I. N. MORRIS,

House of Representatives:

SIR — I have the honor to acknowledge the receipt of your communication of the 19th instant in reference to the two per cent. to which the State of Illinois is entitled under the act of 1818.

In reply, I have to state that the amount will be adjusted at as early a day as practicable, and the information you desire will be transmitted to you.

I am sir, very respectfully, your obedient servant,

THOS. A. HENDRICKS, *Commissioner.*

WASHINGTON CITY, *January 7, 1858.*

HON. THOS. A. HENDRICKS,

Commissioner of the General Land Office:

SIR — On the 12th and 19th of last month, I had the honor to address you, inquiring for the gross amount of the two per cent. arising from

the sales of public lands within the State of Illinois, to which said State is entitled by virtue of the act for her admission into the Union. Not having received an answer communicating the desired information, owing, as I am told, to the indisposition of the clerk whose duty it is to furnish it, I have to ask of you whether you will be prepared on the proper application being made to pay over to said State the aggregate amount of said two per cent. when the same shall be ascertained, as required by "An act to settle certain accounts between the United States and the State of Mississippi, and other states," approved March 3, 1857, and the said act of admission. Your early answer will greatly oblige me.

I remain, sir, yours, very respectfully,

I. N. MORRIS.

GENERAL LAND OFFICE, *January 8, 1858.*

HON. I. N. MORRIS,

House of Representatives:

SIR — I have the honor to acknowledge the receipt of your letter of yesterday, in which you inquire whether the government will be prepared to pay over to the State of Illinois the two per cent. fund, to which she will be entitled in virtue of the act of April 18, 1818, for her admission into the Union, when the same shall have been ascertained, as required by the act of the 3d of March, 1857, and the said act of admission.

In reply, I have to state that the amount you refer to shall be adjusted as soon as the great pressure of business will admit of it, and I am not aware of any reason for withholding payment of the amount to which the State may be entitled when the same shall have been ascertained.

I am, sir, very respectfully, your obedient servant,

THOS. A. HENDRICKS, *Commissioner.*

WASHINGTON, *January 9, 1858.*

HON. THOS. A. HENDRICKS,

Commissioner of the General Land Office:

SIR — I had the honor to receive, this morning, your letter of yesterday in reply to mine of a previous date. In alluding to my inquiry whether you will be ready, when the aggregate amount is ascertained, to pay to the State of Illinois the two per cent. to which she is entitled on the sales of public lands made within her limits, and to which I have, in previous communications, more particularly called your attention, you say, "I am not aware of any reason for withholding payment of the amount to which the State may be entitled when the same shall have been ascertained."

As I design to transmit to the Governor of my State our correspondence for his consideration, I shall be happy to have all doubts as to your determination removed. The language which I have above quoted from your letter, while I have no question in my mind of its purport, may be regarded by some as ambiguous, and with a view of removing any misapprehension as to its meaning, I will be exceedingly obliged if

you will state definitely whether the amount will be paid upon the same being fully adjusted.

I remain, dear sir, very respectfully,

I. N. MORRIS.

GENERAL LAND OFFICE, *January 13, 1858.*

HON. I. N. MORRIS,

House of Representatives:

SIR — I have the honor to acknowledge the receipt of your communication of the 9th instant, in which you request that I will state more definitely than I did in my letter of the 8th instant, whether the amount of the two per cent. fund to which the State of Illinois may be found to be entitled, will be paid on the account being fully adjusted. In reply, I have to state that I cannot give any more positive assurance than is contained in the communication referred to by you; and for the reason that it is only the province of this office to audit the account and report the balance which may be found to be due to the State, to the First Comptroller of the Treasury, who is charged by law with the revision of accounts as the controlling officer, and who will have the sole direction in regard to the payment.

I am, sir, very respectfully, your obedient servant,

THOS. A. HENDRICKS, *Commissioner.*

Upon the receipt of the letter of the Land Commissioner to me of the 13th, I transmitted copies of the correspondence to Governor Bissell, as will appear from the following letter from me to him, and his reply:

WASHINGTON CITY, *January 16, 1858.*

HIS EXCELLENCY, WM. H. BISSELL,

Governor of the State of Illinois:

SIR — I transmit herewith copies of communications between myself and the Commissioner of the General Land Office, which will explain themselves.

You will observe that the correspondence closes for the present, with the Commissioner's letter to me of the 13th instant. After its receipt, I called at the Land Office, and urged, personally, that the account of the State against the general government for the two per cent. fund should be adjusted as soon as possible, and was assured no time should be lost in stating it. I therefore concluded that no benefit could result to the State by a further correspondence, and hence terminated it.

It will be perhaps six weeks before the account will be made up. I shall keep an eye to the matter, and about the time, or just before its completion, will apprise you of it, so you can at once cause the proper demand to be made on the treasury for the money. In the meantime, I hope to receive such suggestions and instructions from you as you may think proper to give.

Col. Miller, State Treasurer, was here a few days ago, and I communicated my action in the premises to him, and was glad to find it met his approval, and trust it may yours. I wish you to talk with him on the subject.

I remain yours truly,

I. N. MORRIS.

SPRINGFIELD, ILLINOIS, *January 22, 1858.*

DEAR SIR—I am very much obliged for a copy of the correspondence lately had between yourself and the Commissioner of the General Land Office.

You have acted well, indeed, in bringing this matter to our attention, and your perseverance has already brought an apparently reluctant officer to the proper point. I have no suggestions to make, and only request that you will exercise your own judgment in regard to the proper time for renewing your efforts, and that you will keep me apprised of the progress of the matter.

Yours very truly,

WM. H. BISSELL.

HON. ISAAC N. MORRIS.

After admitting the legality of the claim of the State and agreeing to have the account made up for presentation to the treasury, Mr. Hendricks declined further action in the matter, and never did explain to me the reason why. I supposed at the time, that inasmuch as he was a member of Mr. Buchanan's administration, he refused to comply with his assurance to me that the account should be stated, for the reason that the Democratic members of Congress from Illinois had fallen out with that administration, the consequence of which was that as little was granted to them as possible. While the foregoing consideration doubtless had its full weight in preventing an act of justice to the State, I subsequently learned upon high authority that Mr. Buchanan had issued *private* instructions to the different departments not to pay any claim or demand on the government which could be postponed or defeated, with the view of lessening the expenditures of his administration.

The foregoing statements will explain why the matter was not closed up in Mr. Buchanan's time.

The laws upon which I based the claim of the State in my correspondence with Mr. Hendricks, and upon which I still rely are as follows:

CHAPTER CXXXIX.

An act to settle certain accounts between the United States and the State of Alabama.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Commissioner of the General Land Office be, and he is hereby required, to state an account between the United States and the State of Alabama for the purpose of ascertaining what sum or sums of money are due to said State, heretofore unsettled, under the sixth section* of the act of March

* The following is the third condition of the sixth section of "An act to enable the people of the Alabama territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original states, approved March 2, 1819, and is the only portion of the 6th section of the act relating to the five per cent. on the public lands."

"That five per cent. of the net proceeds of the lands lying within the said territory, and which shall be sold by Congress, from and after the first day of September, in the year one thousand eight hundred and nineteen, after deducting all expenses incident to the same,

second, eighteen hundred and nineteen for the admission of Alabama into the Union; and that he be required to include in said account the several reservations under the various treaties with the Chickasaw, Choctaw, and Creek Indians within the limits of Alabama, and allow and pay to the said State five per centum thereon, as in case of other sales.

Approved March 2, 1855.

CHAPTER CIV.

An act to settle certain accounts between the United States and the State of Mississippi* and other states.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Commissioner of the General Land Office be, and he is hereby required to state an account between the United States and the State of Mississippi, for the purpose of ascertaining what sum or sums of money are due to said State, heretofore unsettled on account of the public lands in said State, and upon the same principles of allowance and settlement as prescribed in the "Act to settle certain accounts between the United States and the State of Alabama," approved the second of March, eighteen hundred and fifty-five; and that he be required to include in said account the several reservations under the various treaties with the Chickasaw and Choctaw Indians within the limits of Mississippi, and allow and pay to the said State five per centum thereon, as in case of other sales, estimating the lands at the value of one dollar and twenty-five cents per acre.

§ 2. *And be it further enacted,* That the said commissioner shall also state an account between the United States and each of the other states† upon the same principles, and shall allow and pay to each State

shall be reserved for making public roads, canals, and improving the navigation of rivers, of which three-fifths shall be applied to those objects within the said State under the direction of the Legislature thereof, and two-fifths to the making of a road or roads leading to the said State, under the direction of Congress."

* The 5th section of an act to enable the people of the western part of the Mississippi Territory to form a constitution and State government, etc., approved March 1, 1817, is as follows:

"That five per cent., of the net proceeds of the lands lying within said territory, and which shall be sold by Congress from and after the first day of December next, after deducting all expenses incident to the same, shall be reserved for making public roads and canals, of which three-fifths shall be applied to those objects within the said State, under the direction of the Legislature thereof, and two-fifths to the making of a road or roads leading to the said State, under direction of Congress."

† The act admitting Illinois into the Union, entitled "An act to enable the people of the Illinois Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original states," approved April 18, 1818, says in section 6, condition third:

"That five per cent. of the net proceeds of the lands lying within such State, and which shall be sold by Congress, from and after the first day of January, one thousand eight hundred and nineteen, after deducting all expenses incident to the same, shall be reserved for the purposes following, viz: two-fifths to be disbursed under the direction of Congress, in making roads leading to the State, the residue to be appropriated by the Legislature of the State, for the encouragement of learning, of which one-sixth part shall be exclusively bestowed on a college or university."

such amount as shall thus be found due, estimating all lands and permanent reservations at one dollar and twenty-five cents per acre.

Approved March 3, 1857.

After Mr. Buchanan's administration had refused justice to Illinois, I introduced a bill into the House of Representatives to compel the payment of the amount due the State, not that I believed such legislation necessary, except to remove the obstacle created by the refusal of reluctant officers to do their duty. The bill passed the House in a modified form at the last session of the 36th Congress, and was sent to the Senate, where, on motion of Senator Fitch, it was referred to the committee on the judiciary, who never reported it back. I urged, time and again, upon Senators Douglas and Trumbull, to get the bill before the Senate and pass it, but it was never done; for what reason it is not necessary to inquire.

Thus the matter stood at the time of Mr. Lincoln's inauguration. At that period I met your Excellency in Washington City, and as I was going out of Congress, and not expecting to be able to give any further attention to the subject, I communicated the facts to you, and suggested that you should appoint some one to look after the interest of the State, as she was certainly entitled to the money I claimed for her. You requested me to send you a copy of my correspondence with Mr. Hendricks, (the original of which is of course on record in the General Land Office, as it is of an official character,) and I promised to do so. Soon after my return home, however, I was taken sick, and for eighteen months was not able to attend to business. In the meantime the war broke out, and I thought that perhaps you would conclude that a demand for the money had as well be postponed until the excitement consequent upon that event had somewhat abated. I concluded also that I could make you understand the facts more satisfactorily at a personal interview than by writing. It could not be expected you would remember them sufficiently distinct to act upon them from our hasty interview at Washington. I took the papers with me to Springfield two or three times during the latter part of the past year, but was never fortunate enough to find you at home. You were always absent on official business.

At the commencement of the last session of the Legislature we met, and conferred upon the subject. I submitted to you my correspondence with Mr. Hendricks and called your attention to the laws upon which I based the claim of the State. I am gratified to be able to add that you manifested a prompt, earnest, sincere, and highly commendable zeal for the interest of the State, and at once determined to prosecute her demand. Without solicitation on my part, you were generous enough to tender me an appointment as agent on behalf of the State, under which I repaired to Washington, arriving there on Saturday evening, the 7th of February, taking with me a letter from you to the President, explaining the object of my mission, and inviting his co-operation. On Monday evening following, I called upon his Excellency, delivered your communication, and conferred with him in regard to the nature and character of the State's claim. All that he appeared willing to do at the time was, and I think perhaps that was as far as he ought to have

gone, to indorse upon the back of your letter the following words, which I laid before the Commissioner of the General Land Office:

"I shall be obliged if the Commissioner of the General Land Office will give Mr. Morris a full hearing on the business indicated within, and do what may be directed by the law in the case. Please give Mr. Morris an early hearing."

A. LINCOLN.

February 9, 1863.

On the same day I called upon the President, I addressed the following communication to the Commissioner of the General Land Office:

WASHINGTON CITY, *February 9, 1863.*

HON. J. M. EDMUNDS,

Commissioner of the General Land Office:

SIR—I am charged by his Excellency, Richard Yates, Governor of the State of Illinois, with the duty of prosecuting the claim of that State against the general government for the two per cent. fund due her under existing laws of Congress for road purposes. I therefore have to respectfully inquire if you will direct the account to be made up under "An act to settle certain accounts between the United States and the State of Mississippi and other states," approved March 3, 1857, and the enabling act preparatory to the admission of Illinois into the Union. Your early answer will greatly oblige me.

I have the honor to remain, yours very respectfully,

I. N. MORRIS.

Besides the foregoing letter I furnished the commissioner with a copy of the laws upon which I based the State's claim, and my interpretation of them. On the next morning I was informed by one of his clerks, who seemed to have charge of the business, that the commissioner and himself gave the same construction to the laws that I did, but that Mr. Joseph Wilson, chief clerk, whose opposition I had anticipated, differed with them. Believing the commissioner's views to be as I had been informed they were, I felt no great concern about the result, and was therefore, surprised to receive from him the subjoined letter:

GENERAL LAND OFFICE, *February 13th, 1863.*

SIR—I have the honor to acknowledge the receipt of your letter of the 9th inst., in which you inform me that you are charged by His Excellency, Richard Yates, Governor of Illinois, with the duty of prosecuting the claim of that State against the general government for the two per cent. fund due her under existing laws of Congress, for road purposes, &c.

In reply, I have to inform you, that I have carefully examined the several acts of Congress to which you refer in the memorandum which accompanied your letter above referred to, and all other acts of Congress relating to that subject so far as Illinois is concerned, and I do not find that Congress has relinquished its control over two-fifths of the fund set apart for certain purposes by the third clause of the sixth sec-

tion of the act of April 18th, 1818, vol. 3, page 430, and now claimed by Illinois.

The acts to which you refer relate to moneys received by the government for lands which had been reserved for certain Indian tribes.

The acts for the admission of the States of Alabama and Mississippi, and other acts of Congress in relation to this subject, are almost identical with the acts relating to Illinois, and it was necessary for those two States to have special legislation by Congress before they could control the two per cent. grant for roads, (see act of Congress of September 4th, 1841, sections 16 and 17, pages 457, 458, vol. 5.)

For the reasons here stated, this office is not, in my opinion, authorized to adjust to the credit of the State of Illinois, the two per cent. fund referred to, without further legislation by Congress on the subject.

Very respectfully,

Your obedient servant,

J. M. EDMUNDS,

Commissioner.

Hon. I. N. MORRIS, *Washington, D. C.*

Your Excellency will observe by reference to the letter of the commissioner that all he says about the laws to which I directed his attention, is that "the acts to which you refer relate to moneys received by the government for lands, which had been reserved for certain Indian tribes"—a very summary way, indeed, of disposing of so important a matter. My understanding is, that the government "*received*" no money for the lands referred to by the commissioner reserved for certain Indian tribes, but notwithstanding this paid to the States of Alabama and Mississippi the full five per cent. on those lands. It appears, therefore, that the commissioner mistook the fact as well as the law.

What, as he seems to suppose, two sections incorporated into the pre-emption act of 1841, relating to the five per cent. fund due Alabama and Mississippi, can have to do with the construction of the acts of 1855, and 1857, making no reference to the special legislation referred to, is more than I can discern. The commissioner seems to forget that the laws of 1855, and 1857, were passed *long subsequent* to the special legislation of 1841, and that the act of 1857, is a general act, intended for the benefit of *all the States*, and requires the five per cent. to be paid to each State. Is each State to be deprived of its rights under that act because some sixteen years before, Congress passed a special law for Alabama and Mississippi? The commissioner certainly cannot doubt but that Mississippi, if she had not previously received her five per cent. could receive all or any part of it under the act of 1857, and if Mississippi, why not "each of the other States?" The law so provides, and covers the original sum and all arrears due Mississippi and other States.

After the claim of the State had been decided adversely by the commissioner, I presented all the laws bearing upon the subject to the President, and at his instance read them over three or four times that their import might be fully and accurately comprehended. Fortunately, Judge Norton, a clear headed and able lawyer of Joliet, who is member elect to the 38th Congress, was present by accident. After a careful

consideration of the question, the President and Judge Norton gave it as their concurrent opinion that Illinois was legally entitled to the full five per cent. arising from the sales of public lands made within her limits since January 1st, 1819, under and by virtue of the act of 1857, for the settlement of the accounts of Mississippi and other States, and the provisions of the enabling act for our own State, thus fully and entirely sustaining the legal view I had always taken of the claim. The President at the interview referred to, was exceedingly kind and courteous, and very ready and frank in expressing his opinion, and I am gratified to be able to add that he has expressed that same opinion to various other persons, and among them to yourself. He said to you a short time ago when you were in Washington, and when you requested he should listen to the reading of my communication to the Interior Secretary, under date of March 10th, 1863, that he would have no objection, if his time would permit; that he had, however, gone over the premises with me once—that the *conclusion had been reached that the State was entitled to the money*, and it was not worth while to go over the premises again. I had two or three other interviews with him, to which it is not now necessary to refer in detail. What followed the one above indicated, the following letters will sufficiently show. I need not tell you how laborious is the task to accomplish any business in a department at Washington.

In pressing with zeal and ardor the Secretary of the Interior for a formal decision of the appeal to him from the Land Commissioner, I did no more than I believed my duty to the State required. You will observe the somewhat singular fact that I was unable to get written replies to my communications except from the Commissioner of the General Land Office. I was therefore compelled to make my calls and those of my friends sufficiently numerous upon public functionaries to make up a record myself, and I believe it will not be found the less incomplete or objectionable on that account. But to commence it:

WASHINGTON CITY, D. C., *February 18th, 1863.*

HON. J. M. EDMUNDS, *Commissioner of the General Land Office:*

SIR—I respectfully appeal from your decision in the matter of the application of the State of Illinois claiming from the United States the two per cent. on the net proceeds of the public lands sold in said State since 1819, and request that with the least possible delay you transmit the papers in the case to the Secretary of the Interior for review.

Respectfully,

I. N. MORRIS,

Agent for said State of Illinois.

After the appeal was perfected and the case argued before the Interior Secretary, I transmitted to that officer the following letter, showing briefly as I had shown more *in extenso*, verbally, that the *subject* of legislation was the five per cent., and its application the public lands sold in the States, *including* Indian reservations, &c.; that it was the design of Congress to place all the new States in which there were public lands on an equal footing in regard to the five per cent. with Mississippi, Alabama and other States which had received it, and that the law of 1857

does so place them. All the time between the 19th of February and the 27th of March when sickness compelled me to leave for home, I spent in earnest endeavors to get the Interior Secretary to decide the appeal :

WASHINGTON CITY, *February 20th, 1863.*

HON. J. P. USHER :

SIR—It has occurred to me this morning that I would very briefly state, in writing, some of my views of the laws to which I referred last evening, in presenting the claim of Illinois to the two per cent. fund due her under various acts of Congress. I will, of course, only mention the points.

The 6th section of the enabling act of Alabama sets apart five per centum of the net proceeds of the public lands for certain purposes, three parts of which was left at the disposal of the legislature, and two parts to be expended under the direction of Congress.

"An act to settle certain accounts between the United States and the State of Alabama," approved March 2d, 1855, *requires* the Commissioner of the General Land Office to state an account "between the United States and the State of Alabama," for the purpose of ascertaining "what sum or sums of money are due to said State heretofore unsettled," under the said sixth section of the enabling act, and he is also *required* to "include in said account the several reservations under the various treaties with the Chickasaw, Choctaw, and Creek Indians, and allow and pay to the said State *five per centum* thereon, as *in case of other sales*."

The first thing required of the commissioner is, that he shall *state an account* between the United States and Alabama, under the sixth section of her enabling act, setting apart five per cent. of the net proceeds of the sales of public lands, which means all public lands sold in the State, and under which account the State could obtain the amount, if no other act relating thereto had ever passed. The Indian reservations are only *cumulative*, and the five per cent. is also required to be paid on those lands.

The act "to settle certain accounts between the United State and the State of Mississippi and other States," approved March 3d, 1857, requires the settlement to be made with Mississippi "on the same principles of allowance and settlement as prescribed in the Alabama act, and directs the payment of the five per cent. on the public lands" in said State, *adding* thereto the Indian reservations as in the case of Alabama.

The second section of the act relating to Mississippi, requires the commissioner to state an account between the United States "and each of the other States upon the same principles," that is, as is required by the act in regard to Alabama, "and shall allow and pay over to *each State* such amount as shall thus be found due." This section also provides that "ALL lands and permanent reservations," shall be valued at one dollar and twenty-five cents per acre. The title of the act itself, clearly shows it was designed to include all the States in which public lands had been or would be sold, and was intended to be, as it is, a *general public act*. Its language verifies this conclusion.

The laws to which I have referred were passed by Congress long subsequent to the acts relating to the National Road, and hence, if the States were ever deprived by previous legislation of any part of the two

per cent. which I do not admit, it was re-invested in them by the laws upon which I based the claim of Illinois, together with the enabling act relating thereto.

I have the honor, sir, to subscribe myself,

Your obliged friend,

I. N. MORRIS.

March 23d, I called at the Interior Department to learn the Secretary's conclusion, but he postponed the matter, saying among other things, that if he did decide the case and the money was paid, the Democratic members of Congress from Illinois would probably abuse the administration for it. I assured him to the contrary, and to put his apprehensions on that score at rest, and to show what their opinion was of the legal and equitable character of the State's claim, I procured the signatures of all the members of the last Congress, and Judge Norton, General Farnsworth and Col. Morrison's, members elect to the 38th Congress, to the letter given below, the original of which I filed in the Interior Secretary's office.

WASHINGTON CITY, *February 23d, 1863.*

HON. J. P. USHER, *Secretary of the Interior :*

SIR—In the matter of the appeal before you, in which the State of Illinois claims two per cent. of the net proceeds of the sales of the public lands sold in that State since 1819, we have to say that we regard the State as *legally* and *equitably* entitled to it under existing laws, and trust you will not hesitate to direct the account to be made up, with a view to its payment by the government.

Although the sum may be large, that of course cannot constitute a valid objection to the claim or furnish a reason for withholding the amount justly due, nor do we mention it under the supposition that any such consideration will at all effect the decision of the appeal.

Certainly no sound reason can be given why Illinois should not be placed on an equal footing with Louisiana, Mississippi, Alabama, Arkansas, Missouri, Michigan, Wisconsin, Kansas, Iowa and Minnesota, in respect to the five per cent. set apart in their enabling acts for the objects specified therein. The laws requiring the liquidation of the claim, Congress alone is responsible for, and no just censure can attach to the administration for executing them; on the contrary, its clear and undoubted duty is to give effect to their provisions. Blame might properly attach if it failed to do so.

Again appealing to you to act in the premises, we acknowledge ourselves,

Yours very respectfully,

J. C. ROBINSON,
W. A. RICHARDSON,
ISAAC N. ARNOLD,
WM. J. ALLEN,
W. KELLOGG,
JESSE O. NORTON,
WM. R. MORRISON.

A. L. KNAPP,
L. TRUMBULL,
P. B. FOUKE,
E. B. WASHBURN,
O. LOVEJOY,
J. F. FARNSWORTH,

Still the foregoing brought no decision of the appeal, and led to the production of the following letters and divers personal applications, which were alike unavailing without any justifiable cause for the delay, as I am persuaded your Excellency will admit.

WASHINGTON CITY, *February 27, 1863.*

HON. JOHN P. CARR,

Secretary of the Interior:

SIR—I acknowledge the kind and courteous manner with which you listened to my presentation of the claim of Illinois to the two per cent. fund arising from the sales of public lands within her limits. Since that time, now some ten days, I have called twice at your office to learn your conclusion. On the first occasion you spoke of the amount being large, and expressed apprehension that the payment of it would create excitement, and asked that I would not urge a decision then. Being satisfied that the determination, when officially expressed, would be in favor of my state, and not wishing to be too importunate, I concluded that a few days' delay would only be a matter of personal inconvenience to myself, and hence readily yielded to your desire.

On the last occasion you still asked for further time, and expressed the fear that Mr. Chase, Secretary of the Treasury, might not be satisfied if such a sum as my state is entitled to was directed to be paid, and advised me to return home, leaving the question undisposed of. I answered I could not see what Mr. Chase had to do with the matter; that he was not charged with the execution of the law, his duty being merely a compliance with the demand on him for the money, and that I could not think of leaving here until the subject was finally acted on. You will, I am persuaded, on a moment's reflection, be convinced I was right in this. To go to Illinois and report I left the claim pending on an appeal before you, would prove I was an unfaithful agent, and subject me, as it ought, to public disrespect. Under no circumstances could I think of doing so or abandoning the trust reposed in me.

To obey one law and fulfill one obligation is just as sacred a duty on the part of the government, as to obey another law and fulfill another obligation, for both are equally imperative, and leave an administration without any right or power of discrimination.

The mere question of the embarrassment of the treasury, cannot and ought not, and I am convinced will not be plead as an excuse for the non-compliance with a plain statute. I do not desire nor does my state, to injure the national credit or embarrass the government finances, but when will there be a more propitious moment than the present for the payment of the amount due? Already the state has been deprived of it for years, and, of course, has lost the interest upon it. Since 1857 I have been prosecuting the demand, and have orally explained to you why it has not heretofore been paid. Hence it is no new or sudden claim brought up at the present time from sinister motives. I trust therefore, you will direct the account to be made up as the law certainly requires of you.

As our communications have heretofore been of a verbal character, I think it best that hereafter they shall be in writing, for in that way

they will not only be more certain, but more satisfactory. This is especially important to me and the governor of my state, to whom I will of course make a full and accurate report, embracing the entire correspondence and papers of my actions in the premises.

Awaiting your reply, and believing it will not long be delayed, and feeling the utmost confidence that duplicate legislation will not be demanded to compel the general government to do justice to a sovereign and loyal state,

I have the honor, dear sir, to subscribe myself your friend and obedient servant,

I. N. MORRIS.

WASHINGTON CITY, *March, 2, 1863.*

HON. JOHN P. USHER,

Secretary of the Interior:

SIR—My interview with you on Saturday left a deep and unpleasant impression on my mind. For the first time, you suggested that the case relating to the business of my state was not perhaps properly before you on an appeal from the Commissioner of the General Land Office, inasmuch as all the papers pertaining thereto had not been transmitted as you alleged. On subsequent examination, I found you were mistaken in this, for I traced them to your own table.

You also suggested, for the first time, that the case might have to go to a clerk for his examination and revision, adding, "perhaps he will be able to find something against it."

On a previous occasion you advised me to obtain a *mandamus*, which if I am correctly informed, cannot be sued out against a government officer in this city; still if it could be, what reason can be assigned why Illinois should be driven to the necessity of having the writ issued to force a decision she is otherwise justly entitled to.

These facts, transpiring at the time and under the circumstances they did, would seem to convey the belief that while the law is in favor of my state, she is to be deprived of its benefit by dilatory pleas. If such should be the result, and the clerk, who is not a lawyer, or charged with any responsibility, is to review the application or claim after it has been argued and submitted to you for decision, I must be frank enough with you to say such a procedure would be totally unwarranted. Illinois asks only that she shall be treated with respect and awarded her just due. She is no eleemosynary beggar at the national treasury, yet in her name and on her behalf, I solemnly and earnestly protest against a construction and policy, if they should be finally adopted, which I am yet unwilling to believe will be the case, relying as I do upon your great legal ability and high sense of justice, that would discriminate to her wrong and injury.

Yours, very respectfully,

I. N. MORRIS.

WASHINGTON, D. C, *March* 10, 1863.HON. JOHN P. USHER,
Secretary of the Interior:

SIR—When I arrived in this city, more than a month ago, I did not anticipate the delay to which I should be subjected, and the exertions I would be compelled to make, to obtain for the State of Illinois the two per cent. fund arising from the proceeds of the sales of public lands made within the limits of the state since January 1st, 1819. The right of the state rests upon a few statutes that are so plain and emphatic in their provisions, and that have been so uniformly construed to have no ambiguous meaning by legal minds, that I confidently expected a ready assent to the proposition I presented. And especially was this the case when the president, after a careful examination of the laws bearing upon the subject, expressed the opinion to you, to Judge Norton, member of congress elect from Illinois, and to myself, that the state is entitled to the benefit I claim the laws confer upon her. I am disappointed, therefore, that these weeks of waiting, and repeated requests for official action, have brought me no formal decision of the appeal now pending before you. And I am the more surprised at this procrastination in view of the fact that you have never given to me or to others, so far as I can ascertain, any intimation that you entertain a doubt as to the equity or legality of the claim I represent. On the contrary, the remarks you have made at our various interviews, have given me the impression that you are satisfied that the demand made by the state is a just one, and others who have been with me at some of those interviews, and who at the time, suggested that if any doubt existed, it could be in a moment expressed, have shared with me that impression.

At first you stated that the amount involved is large, and that the payment of it might create some excitement. I answered that the amount in issue could not, properly, affect the decision of the case in any way, and that the real question is and was, what are you legally required to do, and not what may be the consequences of the discharge of your duty.

At another time you advised me to sue out a writ of *mandamus*, but it appeared to me, aside from insuperable legal objections, that a writ of *mandamus* could not, if granted, make more clear my right to ask from an appellate tribunal the decision of an appeal properly taken.

Subsequently, you interposed other obstacles, and among them the suggestion that the President might feel some delicacy in having a decision made in favor of his own State, and that you also felt some hesitation in making a decision that might determine the rights of the State of Indiana, the place of your residence. To such excuses there can be but one reply. The duty of executive officers in construing and executing laws cannot be affected in any way by extraneous circumstances, or by the individual peculiarities in the relations of the officers, and it would be strange, indeed, if a State could be deprived of the benefits of legislation, simply because it happened that one of the citizens of the State was the executive officer charged with the execution of the law. The character of the law affixes no responsibility to the officer, neither is there any discretion given to the Executive to suspend

the solemn enactments of the legislative department. When an appeal is taken from a subordinate officer to a higher one, if the one to whom an appeal is taken, arbitrarily refuse to consider the appeal, of what avail is the legislation providing for it? I do not charge that your delay had such intentional effect, but I do say that such is the practical result.

Learning that you intended to take your departure for Indiana, on Saturday evening, the 7th inst., I made two special efforts to obtain a decision before you left, but was unsuccessful. I even asked that, in the event that you were unwilling to decide, you would refer the case to your learned and able assistant, Judge Otto, or that you would make an agreed case and submit it to the Court of Claims. These requests you also declined. With deference, I ask if such treatment is just and respectful to a sovereign State? I make no complaint of the inconvenience I have personally suffered, although I came a distance of twelve or fifteen hundred miles to urge the rights of Illinois, under an appointment from her Governor, and remained here greatly to the injury of my health.

I have presented the foregoing considerations without any unkind feeling, and only because the interests of my State seemed to demand that I should not fail to express my dissatisfaction at your course.

There is one other matter to which I wish to call your particular attention. On Saturday last, the day you left for Indiana, I called at your office, and you informed me that "the claim of Illinois for the two per cent. fund had long ago been disposed of at the Treasury Department, on my application." I replied that it must be a mistake, as no application I had made had ever reached that department. You affirmed that it was so, and referred me, for a confirmation of the statement, to Judge Otto, the Assistant Secretary, saying that he had a paper or document to show it. I went immediately to Judge Otto's room and informed him what you said. He at once replied that you were mistaken, as I knew you must be. Upon further inquiry, I was informed that the paper or document you referred to was the opinion of the Comptroller of the Treasury, to the effect that *Missouri* was entitled to the two per cent. fund on the lands sold in that State—a paper exhumed from the Treasury Department by a land office clerk, and transferred to your department, to furnish an insurmountable obstacle in the way of the rights of Illinois. The subsequent examination I made on Monday, disclosed the fact that it was not in any sense an official paper; that it was no part of the Government archives, but was the private property of Colonel Wm. H. Jones, for many years chief clerk in the office of the First Comptroller, and now the acting Comptroller; a paper prepared by Colonel Jones for his private information and satisfaction, in view of the fact that a difference had arisen between himself and Governor Medill, (at that time the First Comptroller,) who constantly urged that if Missouri obtained the five per cent. the other States were legally equally entitled to it, as to the right of the State of Missouri; which question, that is the claim of Missouri, had been referred to the Attorney General for his opinion. Subsequently, the private views expressed by Colonel Jones in the said paper, were sustained and approved by the

Attorney General, as appears from a letter addressed to the Treasury Department by him, dated May 30th, 1860, and containing the following words: "I have examined the papers you sent me relative to the claim of Missouri for two per cent. on the sales of public lands, and am clear that she is entitled to what she claims."

If this "document" had been an official paper it could not be used injuriously to the State of Illinois. Her interests were in no way involved with those of Missouri, nor could a decision in regard to the rights of Missouri affect the rights of Illinois. However, as you deemed the paper of sufficient importance to have copied, I will refer to it briefly in connection with what I have to say relative to the appropriations for the Cumberland—commonly called the National Road. I do not regard the legislation concerning this road important to the determination of the legal question of the right of Illinois, but I refer to it as a matter of contemporaneous history.

The first appropriation made by Congress to the national road was one of \$30,000, made by act of March 29, 1806, and long prior to the era of railways. It was the intention of the National Legislature to establish a better and more direct communication between the National capital and the Ohio river. Two per cent. of the money arising from the sales of public lands in the State of Ohio was reserved to reimburse the treasury. From 1806 to 1825 various appropriations were made to carry on the work. In the latter year Congress passed a law to extend the road to Zanesville, Ohio, and provided that the appropriations made for that object should be reserved out of the two per cent. fund of Ohio, Indiana, Illinois and *Missouri*. The same act provided that the President should appoint commissioners to complete the examination and survey of the road to the permanent seat of government in the State of Missouri, through the seats of government of the States of Indiana and Illinois. From that time until 1839, about which period the undertaking was abandoned, because Congress refused to make further appropriations, various appropriations were made in which the two per cent. fund of *Missouri*, as well as that of other States, was reserved to replace the amounts expended.

That part of the road passing through Maryland, Virginia, Pennsylvania and Ohio was completed and large amounts expended on it for repairs, and, if I am not misinformed, that portion of it lying within the eastern and western boundary of Indiana was entirely graded and graveled or McAdamized the greater part of the way. In Illinois some culverts and bridges were built and the track graded at different points between the western boundary of Indiana and Vandalia, the old seat of government, but it never passed through that place, nor was any part of it graveled or completed. Consequently, Illinois derived no benefit from it, as I admit Missouri did not, and on the score of justice they stand on equal ground. The General Government never kept the faith it pledged to Illinois when it reserved the two per cent. by constructing the road through that State, as there was an obligation to do, any more than it complied with its promise to Missouri. The amounts expended upon the road, in the aggregate, nearly equal the sum of \$7,000,000. The expenditure in Ohio vastly exceeds the expenditure in Indiana, and

is about five times the amount of her two per cent. fund. The sum expended in Indiana vastly exceeds the amount spent in Illinois, and is very largely in excess of her two per cent. fund, being two and a half or three times as much, while the amount *wasted* in Illinois does not very greatly exceed the sum due from the sales of the public lands. I can see no reason for so unjust a discrimination against Illinois, and certainly the same reasons that led Colonel Jones to the conclusion that Missouri was entitled to the two per cent. fund, support with equal force the claim of the State of Illinois.

Again, Congress gave the National road, or those portions of it lying within the States of Maryland, Virginia, Pennsylvania, Ohio and Indiana, to those States respectively, and each of said States, by solemn acts of their respective Legislatures, accepted the donations, and established toll-gates. No such legislation was had in regard to Illinois, nor did her Legislature accept the work within her limits, thus showing conclusively that Congress regarded what had been done in that State as valueless, and the State herself has always so considered. Hence her "equity" survives, and her claim is a well founded and subsisting one, and could not have been invalidated even by a donation of the road from Congress. The road was surrendered to Ohio under an act approved March 2d, 1831. By acts of June 24th, 1834, and March 3d, 1835, it was surrendered to the States of Maryland, Virginia and Pennsylvania. I have been unable to lay my hand on the law surrendering to Indiana that portion of the road lying within her limits, and the act of her Legislature accepting it, but they are doubtless familiar to you.

Colonel Jones is mistaken when he says the United States "ceded all their interest in it, (the road,) whether finished or un finished, to the respective States within which it was laid out." The legislation was confined to that part of the work which was available. To have gone beyond this would have been useless and foolish. Col. Jones is also mistaken when he says that the appropriations for the road, made after 1825, were all expended within the states of Ohio, Indiana and Illinois. Large sums were expended east of the Ohio river, and expenditures were made in that direction until the work was abandoned, or until within a short time of such abandonment. It is but just to add, that when considering the claim of Missouri, apart from the claims of Ohio, Indiana and Illinois, Col. Jones' reasoning is sound and his views are just and discriminating.

It is proper for me now to show how these facts are related to the case I present. The sixth section of the enabling act for Illinois reserves two per cent. of the proceeds of the public lands to construct roads "leading to said State." Of course such roads were to be *free* public highways. Congress had no power to take the Illinois two per cent. fund to build private turnpikes in Indiana, Ohio, or any other state. How could it profit Illinois to have a road leading to her borders, upon which tax-gatherers sit a few miles apart, to collect tribute from her citizens? Such a road is a private one, and is the private property of the state or of individuals. Congress, by express legislation, has made the National Road the private property of the states through which it passes, and the states possess and control the respective parts as their own. Is

it then an answer to the claim of the State of Illinois, that she is barred by the benefits conferred upon others, in violation of a compact subsisting between the General Government and herself? Is the money of the State to be taken for the use of other states, or wasted within her own boundaries, without consulting her? I do not know what views others may hold, but it does not seem to me that such a policy has any foundation in law or equity. Illinois agreed with the United States, as a consideration for the five per cent. set apart in her enabling act, that she would not tax the public lands for or during the term of five years, from and after the day of sale; that the military lands of the State, while they remained in the hands of the patentees, or their heirs, should not be taxed for three years after the date of the patents respectively, and that lands of non-residents should not be taxed higher than the lands of residents. This agreement the State has faithfully kept, and now only asks the same observance of its faith and promise on the part of the National Government. If the road was "to be extended to the permanent seat of government of the state of Missouri," it was also to pass through the Capital and State of Illinois. Inasmuch as it did neither, and was only partially constructed, in the manner hereinbefore described, and the work actually done being valueless, for the reason that it was not completed according to agreement by the Government, Illinois has certainly as strong an "*equitable*" right to the two per cent. fund as that of any state that succeeded in obtaining it. I have heretofore shown that all but three states in which public lands lie have received it. Her *legal* right to it is equally clear. In my communication to you, of the 20th ult., I briefly indicated the points upon which I rely. I will now add something to the considerations then presented. In doing so, however, I shall not revert to what the Commissioner of the General Land Office has or has not done under the law, as it cannot in any way affect the issue now made. I will, nevertheless, express my dissent from the opinion expressed by the Commissioner in his letter to me under date of February 13, 1863, wherein he says, "the acts to which you refer relate to moneys received by the Government for lands which had been reserved for certain Indian tribes." Upon every principle of construction, technical or just, they are *cumulative*, and have a wider scope and a deeper significance than the Commissioner is willing to accord to them. The Hon. Thomas A. Hendricks, formerly Commissioner of the General Land Office, and now United States Senator from the state of Indiana, in a letter to me, held the following language, officially :

GENERAL LAND OFFICE, *January 8, 1858.*

HON. I. N. MORRIS,
House of Representatives:

SIR — I have the honor to acknowledge the receipt of your letter of yesterday, in which you inquire whether the government will be prepared to pay over to the State of Illinois the two per cent. fund, to which she will be entitled in virtue of the act of April 18, 1818, for her admission into the Union, when the same shall have been ascertained, as required by the act of the 3d of March, 1857, and the said act of admission.

In reply, I have to state that the amount you refer to shall be adjusted as soon as the great pressure of business will admit of it, and I am not aware of any reason for withholding payment of the amount to which the State may be entitled when the same shall have been ascertained.

I am, sir, very respectfully, your obedient servant,

THOS. A. HENDRICKS, *Commissioner.*

One of your predecessors, the Hon. Jacob Thompson, in an opinion which is upon record in your department, construed the law of March 3, 1857, providing for the settlement of the five per cent. account of Mississippi and other states, as giving to that State and to Alabama the five per cent. on lands located within their limits with Indian scrip. In that opinion he says: "This same principle of adjustment," (meaning, as Col. Jones well remarks, what amount may be due Mississippi and other states for the two per cent. reserved) "the second section of the act under discussion, *extends to be applied to the settlement of the five per cent. account of the OTHER STATES.*"

Again he says: "Thus as regards justice and right, Alabama and Mississippi are entitled to a liberal construction of the acts of Congress of March 3, 1855 and March 3, 1857, and as a matter of equity between these two states as claimants against the United States, and as between them and the other states of the Union, all are entitled to the same equal and liberal construction in carrying the act of 1857 into effect."

That Mr. Hendricks and Mr. Thompson were right in their views of the act of 1857, there can be no doubt. I have already verbally explained to you why the claim of Illinois was not paid under Mr. Buchanan's administration.

For further expression of my own views concerning the legal question involved, I respectfully again refer you to my letter to you bearing date February 20th. In view of the opinion I entertain of your legal ability and experience, I do not deem it necessary to discuss more fully the construction to be put upon the law.

I beg leave to call your attention to a letter filed with you, dated February 23, 1863, signed by all the members of the late Congress from Illinois, and by Gen. Farnsworth, Judge Norton and Col. Morrison, members elect of the 38th Congress, expressing the opinion that the State is legally and equitably entitled to the two per cent. under existing laws, and urging the payment of the amount.

The present Commissioner of the General Land Office while differing from me in the construction of the acts of 1855 and 1857, says, in a letter dated General Land Office, February 14, 1863, and addressed to the Hon. John F. Potter, Chairman of the House Committee on Public Lands: "There is no reason known why the State of Illinois should not stand upon the same footing as the State of Missouri, in regard to which latter Congress has given a precedent by the act of February 28, 1859." Adopting the view expressed by the commissioner, the Committee on Public Lands in the House unanimously instructed their chairman to report a joint resolution and recommend its passage, furnished by the Commissioner of the General Land Office, directing as a matter of justice and right, the payment to Illinois of the two per cent.

The chairman of the committee was firm in the belief that existing laws required the payment of the money, and the resolution could only be valuable, inasmuch as it might overcome the scruples of the commissioner and obtain a statement of the account. The committee, however, from the time the resolution was agreed on had no opportunity to report. Indeed, I myself, requested Mr. Potter to withhold it, as upon consultation with Mr. Washburne and others, it was thought unnecessary and unwise to duplicate existing legislation. It may not be out of place to remark that the mere fact that the representatives of one State obtained the passage of a joint resolution by Congress to compel a reluctant officer to do his duty cannot invalidate the rights of other states under existing laws.

In conclusion, I will say that I think I have shown clearly,

1. That the State of Illinois is *equitably* entitled to the payment of her claim.

2. That she is *legally* entitled to the payment of it.

3. That the President of the United States, the late Secretary of the Interior, Mr. Thompson, the late Commissioner of the General Land Office, Mr. Hendricks, the delegation from Illinois in Congress, and the House Committee on Public Lands, and all other persons to whom the question has been officially or unofficially presented, excepting only the present Commissioner of the General Land Office, consider the existing legislation sufficient to secure the rights of the State and the payment of the claim.

4. That the present Commissioner of the General Land Office unequivocally admits the equitable character of the State's claim.

Without adding anything to these considerations, I leave the interest of Illinois to you, in confident expectation of a just and equitable decision. All of which is respectfully submitted.

I. N. MORRIS.

My letter of March 10th, seemed to be demanded by the supposition that I should not be able to wait in Washington until the Interior Secretary's return from Indiana, and from the additional consideration that the paper prepared by Col. Jones was given an undue importance against the rights of the State, and made it necessary that I should discuss more in detail than I had done, or proposed to do, the question of the National Road.

Wearied with unnecessary delay at the Interior Department, I determined to take an appeal to the President. After calling several times without seeing him, and being afterwards too much indisposed to leave my room, I prepared and placed in the hands of Hon. P. B. Fouke the following paper, which he read to the President on the 23d of March, instead of the 20th, as that was the first interview he had with him after a persevering effort of ten days to obtain one:

MR. PRESIDENT—I sincerely regret the necessity of again troubling you with the business pertaining to Illinois, intrusted to me by Governor Yates. Nothing but an imperative sense of public duty could induce me to do it. At our interviews I cheerfully admit you have treated me and the subject with great frankness and justice; for you

not only heard my presentation of the case with patience, but at once decided that the State was entitled to the benefit which I insisted the laws confer upon her. If you had not so determined, the claim would not have been pressed. You have also, with the most commendable candor and fairness, given to others the same construction to the laws that you did to me. I am therefore surprised that after weeks of patient waiting, the Interior Department has not decided the appeal, involving the claim of the State now pending before it. To obtain a decision, I have resorted to every respectful and honorable means without success. First one pretext and then another has been interposed for delay, which it is not requisite I should detail to you. I am persuaded the delay has not arisen from want of time, for the Interior Secretary has found leisure to quit the post of his official labors here and go to Indiana to attend to private professional business there, leaving the case of Illinois, which it would have taken but a moment to determine, undisposed of. Hence there must be some other motive or reason for his course not now necessary to inquire into.

On Friday last, the 13th instant, Governor Yates, then being in Washington, telegraphed to the secretary that as he was absent, he would be obliged if he would allow his assistant secretary, Judge Otto, to decide the case. The secretary replied that Judge Otto might do so if his other duties would permit, but the Judge declined to act.

Despairing of obtaining a decision from the Interior Department, and no sufficient reason being assigned by the secretary for the procrastination, I appeal to you sir, to see that justice is done to Illinois. I believe this is the only hope she has of having it awarded to her. I make the appeal with the full confidence and belief that you will direct that the laws shall be executed. Your impartial justice and high sense of public duty afford a sufficient guaranty of your action in the premises.

My health is bad, and if I leave here without the account being made up and reviewed by the First Comptroller of the Treasury, which I will have to do unless the matter is disposed of soon, the probability is the business will remain just where I left it. As it now stands, I shall only be able to report to the Governor, and through him to the Legislature and people of Illinois, that your secretary has crushed under his feet, and refuses to give practical effect to laws which you have decided require the payment of the State's demand. I know of nothing more I can do. If I have been importunate, it was because I thought the interests of my State required it, and I believed myself unnecessarily delayed.

On four occasions I have sought opportunities to personally present these views, but your other engagements prevented. I have, therefore, reduced them to writing and placed them in the hands of Hon. P. B. Fouke, to read to you, as he has an engagement to meet you to-morrow morning. Your answer to him will determine my future action. I do not permit myself, however, to doubt but it will be favorable, and that I shall have the agreeable duty to perform of saying to the people of Illinois they are indebted to your promptness and justice for the recognition and enforcement of their long delayed rights.

I. N. MORRIS.

Washington, March 19, 1863.

The President desired to know of Col. Fonke whether he appeared on behalf of the State. The Colonel replied that he did, at my instance, which makes it proper to state what occurred at the interview between them pertaining to the public business with which I was entrusted.

As he had frequently done before, the President said that the claim of the State was all right—that its payment was a mere question of time—that the pressure upon the Treasury at the present was so great that it could not be paid now very well, etc. He also said to Colonel Fouke that he had talked with Mr. Usher, his Secretary of the Interior, on the subject, and that his secretary *entertained precisely the same views of the laws upon which the claim of the State is based as he himself did—that he, the secretary, had so said to him.* It already distinctly appears in this report what is the President's view of the laws.

Judge Otto, the able assistant secretary, I presume, agrees with the president and secretary in their construction of the law, for the secretary said to me that the Judge “believed the case a very strong one in favor of the State.” It appears, therefore, that the administration of Mr. Lincoln is fully committed in favor of the State's claim, and that what I have accomplished so far is:

1. A respectful consideration of the State's demand.

2. A recognition of its legality and equity.

But one other question remains undisposed of. The administration having admitted the legality and equity of the claim, will they pay it? This they cannot avoid doing, except in one of two ways:

1. By arbitrarily and willfully disregarding the provisions of a plain law which they have sworn to execute; or,

2. By pleading bankruptcy for the government in bar.

Will they do either? I have not yet seen anything to convince me they design to resort to such disreputable means. The payment of the claim is only postponed for a short time, as I understand the matter—the law not totally suspended. To attempt the latter would be a flagrant act of injustice and wrong, which any honorable government would scorn, and I have no belief that the administration intends that injury shall be done to the State. Mr. Lincoln did not, in my interviews with him, manifest any such disposition, nor have I any fear that he will. His Interior Secretary, I have thought and still think, resorted to unnecessary delay, but I do not believe he designs, in the end, to willfully do the State a wrong, though when I addressed my communication to the president it seemed as though he did. The amount of the claim, in view of which he has two or three times threatened to decide against the State, if forced to decide at the present, upon the exploded hypothesis of expenditures on the National Road, is, I am now convinced, all that prevents his prompt action. Such a consideration, however, cannot long prevail against a well established and subsisting demand, nor do I think the secretary seriously contemplates it should.

The following letter and my note relating thereto, will show the states which have received the five per cent.; and why should Illinois be turned away with her measure empty when others have been filled? Why should she be unjustly discriminated against? Instead of the president subjecting himself to censure by having the demand paid, he should delight, and I think will delight, in the opportunity he has of

rendering an act of justice to his State, which has so often and faithfully honored him. At all events, being a citizen of Illinois should not deter him from doing his duty by her, nor do I believe it will.

GENERAL LAND OFFICE, *February 17, 1863.*

HON. I. N. MORRIS:

SIR—In reply to your letter of the 14th instant, I have the honor to inform you that the following named states have received from the general government five per cent. of the net proceeds of the sales of public lands, viz: Louisiana, Arkansas, Michigan, Wisconsin, Kansas, Iowa and Minnesota.*

Very respectfully, your obedient servant,

J. M. EDMUNDS, *Commissioner.*

I have mentioned that the magnitude of the claim was the only cause delaying its payment. I do not know that I can state to your Excellency the precise amount of it, but I can very nearly give it. The law of 1857 fixes the value of all public lands at \$1 25 per acre, as a basis for the computation of the five per cent. I obtained, when in Washington, a tabular statement, showing the various payments to the State of the three per cent. fund, the aggregate of which is \$711,179 54. If the aggregate amount of the sales of the public lands should be equal to \$1 25 per acre, which is probably just about the sum realized for them, then the two per cent. fund is precisely equal to two-thirds of \$711,179 54, and is, consequently, \$474,119 69. If the aggregate amount received for the lands should be more than equivalent to \$1 25 per acre, in that event the two per cent. would be something less than I have stated it. The difference, however, cannot be large, if anything, and the claim of the State may be put down safely, in round numbers, at four hundred and seventy-four thousand dollars, upon which interest ought to be paid from the time I made the demand for the money in behalf of the State, December 12th, 1857.

When I reached Washington, on the 7th of February last, I found the claim resting just where I had left it when my Congressional term expired in 1861, no one having done anything about it, and I resumed the management of it at that point. I shall continue its prosecution until the money is paid, using therein my best endeavors and discretion. Sickness, and what appeared a sincere and earnest desire on the part of the administration for a short delay, were my only reasons for returning home when I did. If the account is not made up within a reasonable time, which I hope will be the case, I shall once more visit Washington, and should I then again fail in obtaining the voluntary payment of the demand from the Executive Department of the government, which is charged with the duty of seeing that the laws are "faithfully executed"—a thing I do not permit myself to anticipate—I shall adopt another course for the recovery of the money. But I ought not to contem-

* To the above list must be added Alabama, Mississippi, Missouri, California and Oregon, which states have received their full five per cent. and were omitted by the commissioner in his statement.

I. N. MORRIS.

plate any adverse result. The possibility that the administration will compel the State to resort to compulsory means to obtain her admitted rights, is too remote to be seriously considered. For it cannot be that the President, who is so clear in his view of the law, will fail to see it executed. To refuse a compliance with its provisions would be a gross wrong, which it would be unjust to anticipate.

My action in the premises, I trust, meets your Excellency's approbation, and, I hope, will redound to the honor of your administration and the interest of the State.

I acknowledge with satisfaction, your energetic determination in the prosecution of the claim, and thank you for your confidence and valuable aid.

All of which is respectfully submitted.

I. N. MORRIS.

QUINCY, ILL., *April* 1863.

A P P E N D I X .

The following correspondence, and the favorable action of the committee on public lands, transpired through my agency ; but, as I have stated elsewhere, it was not thought best, upon more mature reflection, to ask any further legislation from Congress, as that already existing was deemed amply sufficient to secure the payment of the State's demand.

In this connection, I cannot refrain from saying that our State owes to Mr. Potter, of Wisconsin, a debt of gratitude for his prompt, just and liberal action in her behalf, as chairman of the committee on public lands, in the House.

I. N. MORRIS.

HOUSE OF REPRESENTATIVES,
Washington City, Feb. 13th, 1863.

HON. J. M. EDMUNDS,

Commissioner of General Public Land Office :

SIR—Will you favor me with a resolution which, in its terms, will authorize the payment of the two per cent. fund arising from the sales of public lands in Illinois, reserved in the act admitting her into the Union, for road purposes, and which, in similar instances, has been relinquished to or given to other new States.

I hope you will also favor me with your views upon the propriety and justice of allowing said two per cent. fund to said State.

Yours very respectfully,

JOHN F. POTTER,
Chairman Committee on Public Lands.

GENERAL LAND OFFICE, Feb. 14, 1863.

SIR—Pursuant to your request of yesterday, I have the honor to inclose herewith, a draft of a joint resolution in reference to the relinquishment of the two per cent. fund to the State of Illinois.

This resolve proposes to relinquish, upon the application of the Governor, instead of pursuant to an act of the Legislature—with that modification to avoid delay. There is no reason known why the State of Illinois should not stand upon the same footing in the matter, as the State

of Missouri, in regard to which latter, Congress has given precedent by the act of February 28th, 1859. Stat's, vol. 11, page 388, chap. 65.

With great respect, your obedient servant,

J. M. EDMUNDS,

Commissioner.

HON. JOHN F. POTTER,

Chair'n Com. on Public Lands, House of Reps.

Joint resolution in relation to the two per cent. fund due the State of Illinois, unanimously agreed upon by the House committee on public lands, and its passages recommended:

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the principles of the act of Congress approved February 28th, 1859, "giving the assent of Congress to a law of the Missouri Legislature, for the application of the reserved two per cent. land fund of said State," shall be applied to the State of Illinois, with this modification, that the relinquishment of the United States to the two per cent. fund contemplated in the third clause of the sixth section of the Illinois Enabling Act, approved April 18th, 1818, shall take effect from and after the date of the acceptance of said relinquishment by the Governor of said State of Illinois, and the accounting officer of the government shall thereupon adjust the claim of said State of Illinois in like manner, as directed by said act of February 28th, 1859, in regard to the State of Missouri.

The following is a copy of the bill referred to in the foregoing report, and which I introduced into the House of Representatives.

I. N. MORRIS.

A Bill authorizing the payment of the two per centum land fund to which the State of Illinois is entitled, for road purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the two per centum of the net proceeds of the sales of the public lands in the State of Illinois, reserved by existing laws to be expended in said State, under the directions of Congress, for road purposes, be and the same is hereby relinquished to said State, and that the proper accounting officers of the United States are hereby authorized and required to audit and pay the accounts in full for the same, as in the case of the three per centum land fund of said State, to the Governor thereof, or his authorized agent.



SUPPLEMENTAL REPORT
ON THE
TWO PER CENT. FUND,

SUBMITTED TO HIS EXCELLENCY,

RICHARD YATES,

GOVERNOR OF THE STATE OF ILLINOIS.

SIR—I beg leave to submit, most respectfully, a supplemental report in the matter of the two per cent. fund, due from the United States to the State of Illinois, for road purposes. In August last I again repaired to Washington, and engaged in the further active prosecution of the claim of the State to said fund. As in February last, I found it resting precisely where I had left it in 1861, so in August, I found it resting precisely where I had left it in February. Government functionaries do not seem inclined to disturb its repose unless they are urged forward to their duty with a pressing and ceaseless vigilance.

I am fully satisfied the Interior Department had determined not to decide the case pending before it, involving the State's demand, and that it never would have been decided in that department but for a peremptory order from the President to take it up and dispose of it. Even then, as soon as that order was given, in writing and verbally, to the Interior Secretary, he left his official post in Washington, and went to Indiana, as he had done once before, and thus avoided acting upon the question himself, leaving it to be disposed of by his inferior officer. I leave such neglect of official duty—such contempt for the order of the President, and the respect which is due to a sovereign State, to be judged of and estimated as your Excellency may determine. I will only state the facts, and leave others to draw conclusions.

A few days after my arrival in Washington, I was able to obtain an interview with the President, and made to him the following short address :

ADDRESS.

MR. PRESIDENT : Each house of the General Assembly of Illinois, at their adjourned session in June, unanimously adopted a memorial addressed to you, expressive of their earnest desire that *you* should see carried into effect the laws requiring the payment to that State of the two per cent. land fund due to her from the General Government for road purposes. Each house, also, unanimously passed a resolution appointing me to lay before you, in person, their respective memorials, and I now perform that duty.

To attempt, on this occasion, a re argument in support of the claim I represent would be nothing more than a useless multiplication of words, as we have heretofore gone over the premises together, and the conclusion has been reached. I cannot, however, refrain from observing that objections have heretofore been raised in the Interior Department to acting on the appeal pending before it, which, to say the least, are regarded by intelligent and legal minds as singularly strange to come from one of the executive officers of a great government. These objections have all been purely technical, and no one of them has any bearing against the legal or equitable character of the demand. It was said to me in that department that if some victories could be won they would feel more like paying the money. These victories have been gloriously achieved by the Union arms, and have rejoiced the heart of every true American, so that that objection no longer applies. Indeed, I insist that no objection which has been made, properly attaches to the case. It is now pending on an appeal, which a certain law of Congress provides for taking from an inferior to a superior tribunal, and according to the legal rule must be determined upon the record sent up. Any point made outside of the record is extra judicial and improper. But if the objections were just and referred to the merits of the cause, the State would have less reason to complain. As they are not, and only look to delay, I must, in the discharge of my public duty, protest against them. If I should fail to enter my dissent, my silence might be construed as acquiescing in their propriety.

The memorials, Mr. President, which I have presented, are addressed to you in your executive capacity. Illinois understands too well what is due to her own dignity and honor to request any special favor for herself at your hands. If she did not, your own character is too well understood for her to make such an unwise attempt. She stands upon the law and the justice of her cause. As her agent, with the view of getting the opinions of distinguished jurists upon the legality and equity of her claim, I addressed inquiries upon the subject to Judge Davis, of the Supreme Court of the United States, Judges Drummond and Treat, of the United States District Courts for Illinois, Judges Walker and Caton, of the Supreme Bench of that State, to the State officers and others, and now respectfully lay their replies before you, from which you will see their views correspond with your own heretofore expressed, and sustain the construction I have uniformly given to the laws upon which the

State's demand is based. Thus the judges I have named, the Executive of the State, the State officers, both houses of the General Assembly, and all the members of Congress from Illinois, unite in the opinion that existing legislation requires the payment of the sum I am authorized to demand from the General Government. In my interviews heretofore with you touching the matter I have in hand, you have not only treated me with great courtesy, but the State with entire fairness, and I was proud to acknowledge the fact in my report to Governor Yates.

I know full well I have not brought to the support of the claim, that ability which its importance and merit demand; but I hope I can say without arrogance, that, if I have fallen short in this, I have done nothing in the premises to dishonor my State, or prejudice her interest.

The result, Mr. President, is with you; for it is to you the State looks for the fulfillment of her too long delayed rights. Let me add, she does not expect to look in vain. I have now said, Mr. President, about all I deem it necessary to say, except to add, that the State ought not to be compelled, nor can I believe you will require it of her, to resort to compulsory means to obtain her acknowledged, well established and just due. She has furnished, under the volunteer system, in the present fierce and bloody war which traitors have so atrociously precipitated upon the country, an excess of over forty thousand men more than her just proportion, to uphold the Union and vindicate the National Flag and honor, and deserves well of the General Government. No other state has furnished so great an excess; still she asks nothing for her prompt and generous contributions to patriotism—nothing more than to be placed upon an equal footing with other states which have received the full five per cent. of the net proceeds arising from the sales of the public lands within their respective limits. To withhold from her this equality, would discriminate to her wrong and injury. You will not deny her justice from motives of delicacy because you are her honored citizen. If she obtains it she will be entirely indebted to you for it.

The following is a copy of the resolution and memorial adopted by both houses of the General Assembly, and duly authenticated transcripts of which I laid before the President:

Resolved, That the following memorial be sanctioned and confirmed by this Senate, and that each member sign the same, and present it to the Hon. I. N. Morris, requesting him to present the same in person to the President of the United States:

Memorial of the General Assembly of the State of Illinois to the President of the United States, asking for the payment to the State of the two per cent. fund arising from the proceeds of the sales of public lands, and due to said State for road purposes.

Your memorialists, members of the Senate and House of Representatives of the State of Illinois, earnestly, but firmly and respectfully request your excellency to carry into effect the laws requiring the payment of the two per cent. fund arising from the proceeds of the sales of public lands in the State since January 1st, 1819, and to which the State is legally and equitably entitled for road purposes. The argument in favor of the right of the State has already been made by her agent, I. N. Morris, appointed by Governor Yates to establish and urge the

payment of the demand, so that your memorialists do not deem it requisite to repeat upon the subject what has already been said, especially as your excellency has admitted the justice and legality of the State's claim.

The simple question remaining undisposed of is, will your administration pay the amount which you admit is due? We submit that no consideration of locality or amount, no question arising out of the war, no embarrassment of the treasury occasioned by other demands, can justify your subordinates in disregarding the plain provisions of the statutes which confer upon the State the right to the money. If an officer of the government charged with the execution of a law which is mandatory to him, and for the passage of which he is in no wise responsible, can refuse to obey its commands, he virtually usurps the authority of the legislative department.

Your memorialists do not believe, nor do they charge that your administration willfully designs to do our State a wrong, yet the fact is not to be disguised, that, unless the sum claimed, and which you admit to be due, is paid, a great and irreparable injury will be inflicted on Illinois.

We are fully sensible that justice to her has long been delayed, and now with the utmost confidence appeal to you, not as her citizen, but as President of the United States, to perform a public duty, alike demanded by respect for the legislative department and justice to a sovereign and loyal State, with the fullest confidence and assurance that this appeal will be respectfully considered and the amount paid.

Illinois has stood nobly by the Union in its present struggle, freely expending her treasure and her blood in its defense, and at least deserves justice from the general government. We ask for her nothing more, and believe you will cheerfully grant her this much.

JUDGE TREAT'S LETTER.

SPRINGFIELD, ILLS., *May 19, 1863.*

DEAR SIR—I have received and read your report to Gov. Yates, relative to the claim of the State against the United States to the two per cent. fund, arising from the sale of the public lands.

From the examination I have been able to give the subject, it strikes me that your conclusions are right, and that the claim is just. The claim is undoubtedly a valid one against the general government, unless it has disbursed this fund in the mode prescribed in the act admitting Illinois into the Union. It seems clear to my mind, that the act of March 3d, 1857, is broad enough to require an adjustment of the claim, without any further legislation by Congress.

Very truly yours,
S. H. TREAT.

HON. I. N. MORRIS, *Quincy, Ill.*

JUDGE DAVIS' LETTER.

SPRINGFIELD, ILL., *June 18, 1863.*

HON. I. N. MORRIS, *Quincy, Ill. :*

MY DEAR SIR—I have examined your report to Governor Yates, and cordially indorse the views of Judge Treat.

The claim against the general government (from the examination I have given it,) is valid. If so, there can be no just reason why the State should not receive it.

Most truly yours,

DAVID DAVIS.

JUDGE DRUMMOND'S LETTER.

CHICAGO, ILL., August 5, 1863.

DEAR SIR—I have not been able to examine as thoroughly as I could wish the report you sent me and the various laws there referred to, but from the examination I *have* given them, the conviction naturally arises that the State has a just claim to the fund mentioned. As I understand, the law of 1857 was first introduced with particular reference to the State of Mississippi. Afterward the second section was added by way of amendment, and the title of the bill changed so as to make the law general. It certainly includes within its scope and meaning the State of Illinois, and it was intended to include it, because Illinois was in the same legal condition as Alabama and Mississippi in respect to the subject matter of the bill, and a discrimination against Illinois would have been unjust. Then the language of the law is imperative to the commissioner, "*shall* state on account, and *shall* allow and pay * * * such amount as shall thus be found due."

In the limited time that I have had to look into the question, I have considered some of the objections made to the claim, and certainly they do not appear to have much force, and one feels the more confirmed in the impression which, I think, must be made upon every mind on a cursory investigation of the subject.

Of course I do not wish to be understood as expressing a *deliberate* opinion, but only as saying that the arguments in support of the claim seem to have very great force, and no satisfactory answer has occurred to me with which to meet them.

I am, very respectfully, &c.,

THOMAS DRUMMOND.

HON. I. N. MORRIS, *Quincy, Ill.*

JUDGES WALKER AND CATON'S LETTERS.

RUSHVILLE, ILL., June 22, 1863.

HON. I. N. MORRIS:

SIR—After a careful examination of your report to his excellency, Governor Yates, in reference to the two per cent. fund arising on the sale of public lands, claimed to be due to the State, I fully concur in your reasoning and conclusion. I regard the claim as just, and have no doubt it should be paid without further legislation. The act of the 3d of March, 1857, it seems to me is ample in its provisions, not only authorizing, but requiring its payment.

I am, sir, with respect, yours, &c.,

P. H. WALKER.

I fully concur in the above opinion expressed by Mr. Justice Walker.

J. D. CATON, *Chief Justice.*

The letter signed by the state officers, to which was added the highly respectable and influential name of Hon. William Butler, late State Treasurer, was sealed up and directed to the President, so that I was not able to obtain a copy of it, though I saw it after it had been prepared in Springfield, and knew its contents. It was signed by Auditor Dubois, Secretary Hatch, Treasurer Starne, and Mr. Butler, and was an appeal to the President to execute the laws and pay to the State the money claimed to be due.

After submitting the memorials and accompanying documents to the President, I waited a reasonable time and then called upon him to learn his conclusion. Upon sending him my card, he indorsed thereon the following words, and returned it to me:

"I sent your case to the Secretary of the Interior yesterday, and have not yet heard of it.

A. LINCOLN.

August 24, 1863."

The foregoing led to the following brief correspondence.

TO PRESIDENT LINCOLN:

I hardly know how I am to understand your note. Must I infer from it that I am referred to the Interior department, or must I wait upon your excellency until you hear from the department? When may I expect a definite answer?

Very respectfully,

Aug. 25, 1863.

I. N. MORRIS.

EXECUTIVE MANSION, WASHINGTON, *Aug. 26, 1863.*

HON. I. N. MORRIS:

DEAR SIR—Your note, asking what you were to understand, was received yesterday. Monday morning, I sent the papers to the Secretary of the Interior, with the endorsement that my impression of the law was not changed, and that I desired him to take up the case and do his duty according to his view of the law. Yesterday I said the same thing to him verbally.

Now, my understanding is, that the law has not assigned me, specifically, any duty in the case, but has assigned it to the Secretary of the Interior. It may be my general duty to direct him to act—which I have performed. When he shall have acted, if his action is not satisfactory, there may, or may not, be an appeal to me. It is a point I have not examined, but if it then be shown that the law gives such appeal, I shall not hesitate to entertain it when presented.

Yours truly,

A. LINCOLN.

WASHINGTON, *August 26, 1863.*

TO HIS EXCELLENCY, ABRAHAM LINCOLN,
President of the United States:

DEAR SIR—Your letter of this date has just been placed in my hands by your private secretary. It is all I expected you now to say—full, complete and just in its spirit and sentiment. In behalf of Illinois I return you her grateful thanks for it.

With distinguished consideration and respect, I remain your obedient servant,
I. N. MORRIS.

Thus matters stood awaiting the decision of the appeal in the Interior Department. While the case was still pending there, I discovered that our State had a small amount of Indian reserved land within her limits, upon which no part of the five per cent. had been paid, and I commenced the prosecution of a claim for the per cent. on that also. The result of my labors in that regard will be found in detail in the conclusion of my report.

At last, after more than six months of constant urging, the Interior Department rendered its opinion in obedience to the mandate of the President, and here it is:

OPINION OF THE ASSISTANT SECRETARY OF THE INTERIOR IN THE MATTER OF
THE CLAIM OF ILLINOIS.

DEPARTMENT OF THE INTERIOR, *August 31, 1863.*

SIR—I herewith return the papers accompanying your report upon the appeal prosecuted by the Hon. Isaac N. Morris, attorney for the State of Illinois, from your decision, disallowing the claim of that State to two per cent. of the net proceeds of the public lands therein situate, sold since January 1, 1819.

I approve and affirm your decision.

I transmit you several communications that have been filed in this department during the pending of the appeal, and a copy of a printed report made by Mr. Morris to the Governor of the State of Illinois.

The President of the United States has referred to this department a communication, addressed to him by Mr. Morris, inclosing the memorial of both branches of the General Assembly of Illinois, and sundry opinions in favor of her claim upon the case stated by Mr. Morris.

These opinions emanate from several distinguished jurists of that State, embracing some of the most honored judicial names in the Union.

The signal ability evinced by Mr. Morris in the prosecution of the claim, the large amount which it involves, the high respect due to the eminently loyal State which prefers it, and the imposing array of authority enlisted in its support, render it peculiarly proper that I should state fully the reasons which have led me to a conclusion adverse to its validity.

The asserted right of Illinois to the fund in question, is derived from certain acts of Congress, which, it is alleged, authorize the payment to her of the two per cent. reserved, to be disbursed under the direction of Congress, as provided in the 3d clause of the 6th section of the act of Congress of April 18, 1818, entitled "An act to enable the people of Illinois Territory to form a constitution and State government," etc. (Statutes at large, volume 3, page 428.) The clause is in the following words:

"Third. That five per cent. of the net proceeds of the lands lying within such State, and which shall be sold by Congress, from and after the first day of January, one thousand eight hundred and nineteen, after deducting all expenses incident to the same, shall be reserved for the

purposes following, viz: two-fifths to be disbursed, under the direction of Congress, in making roads leading to the State, the residue to be appropriated by the Legislature of the State, for the encouragement of learning, of which one-sixth part shall be exclusively bestowed on a college or university."

This proposition was, with others offered to the convention of the Territory of Illinois for their free acceptance or rejection, and, if accepted by the convention, was to be obligatory upon the United States and said State.

The proposition was accepted, and the State of Illinois was, by resolution, approved December 3, 1818, declared to be one of the United States of America, etc., etc. (Statutes at large, volume 3d, page 536.)

By an act approved December 12, 1820, (Statutes at large, volume 3d, page 610.) Congress provided for the payment, by the Secretary of the Treasury, to the authorized agent of the State of Illinois, three per cent. of the net proceeds of the lands of the United States lying within that State, which, since the first day of January, 1819, had been or should thereafter be sold by the United States, to be applied to the encouragement of learning in conformity with the preceding clause.

The provision of the act requiring an annual account of the application of the money to be transmitted to the Secretary of the Treasury, and directing the payment of the sums then due, to be withheld, in default of such return being made, was repealed by the act approved January 13, 1831. (Statutes at large, volume 4, page 430.)

The fidelity with which the general government has performed the stipulation in regard to the payment of the three per cent., has not been drawn in question. The State of Illinois has received on that account \$711,179 54.

The phraseology of the clause is too clear to allow much room for construction. In terms as apt and imperative as those providing for the appropriation, by the State, of the three-fifths of the five per cent. of the net proceeds, Congress reserved the direction of the disbursement of the remaining two-fifths, in making roads leading to the State.

By an act approved May 15, 1820, Congress provided for the appointment, by the President, of the commissioners to lay out a road between Wheeling, in the State of Virginia, and a point on the left bank of the Mississippi river, to be chosen by the commissioners between St. Louis and the mouth of the Illinois river, and appropriated ten thousand dollars to defray the incidental expenses. By a proviso, annexed to the second section, it was declared that nothing in the act, or that should be done in pursuance thereof, should be deemed or construed to imply any obligation on the part of the United States to make or defray the expenses of making the road thereby authorized to be laid out, or any part thereof. (Statutes at large, volume 3, page 604.)

The preceding legislation of Congress, making appropriations for the construction of a road from Cumberland to Wheeling, expressly provided that they should be chargeable upon and reimbursable at the treasury, out of the fund reserved in the enabling act, under which Ohio was admitted into the Union.

By the act of March 3, 1825, (Statutes at large, volume 4, page 128,) the sum of \$150,000 was appropriated for constructing a portion of this

road, "which said sum (it is therein stipulated) shall be replaced out of the fund reserved for laying out and making roads, under the direction of Congress, by the several acts passed for the admission of the states of Ohio, Indiana, Illinois and Missouri into the Union, on an equal footing with the original states."

Additional appropriations, amounting to one million, one hundred and thirty thousand dollars, (1,130,000,) chargeable upon the same fund, were made by subsequent acts of the following dates:

March 3, 1825, March 25, 1826; March 2, 1827; March 2, 1829; May 31, 1830; July 2, 1836; U. S. Statutes, volume 4, pages 128, 151, 215, 352, 427, volume 5, page 71.)

Other acts of Congress, bearing dates respectively, March 2, 1831; June, 24, 1834; March 3, 1835; March 3, 1837; May 25, 1838; (U. S. Statute, volume 4, pages 469, 680, 772, volume 5, pages 195, 228,) appropriate the further sum of one million, eight hundred and thirty-four thousand, nine hundred and fifteen dollars and eighty-five cents, (\$1,834,915 85,) and make it chargeable to the two per cent. fund of Ohio, Indiana and Illinois, and specify the amount that shall be expended in each of those states.

The aggregate amount thereby appropriated for the road within the State of Illinois, appears to be \$606,000, and it is a conceded fact that the total expenditure within the three states of Ohio, Indiana and Illinois, largely exceed the reserved two per cent. fund of those states and Missouri.

Mr. Morris remarks that the claim of Illinois "may be put down safely in round numbers at four hundred and seventy-four thousand dollars, (\$474,000.) A larger sum has been appropriated for the construction of the National Road within her limits, and her fund is chargeable with her just proportion of the one million, two hundred and eighty thousand dollars, (\$1,280,000,) appropriated by the acts first above referred to.

It thus appears that the general government has discharged its obligations in regard to the expenditure of the fund. No part of it remains in the treasury, nor has one dollar of it been diverted from the object for which it was reserved.

After the fund, specifically applicable to the construction of the National Road, had been exhausted, and no further appropriations were made for that purpose, Congress, on the ninth of May, 1856, (Statutes at large, volume 11, page 7,) provided that:

"So much of the Cumberland Road as lies within the State of Illinois, and all the interest of the United States, in the same, together with all the stone, timber and other materials belonging to the United States, and procured for the purpose of being used in the construction of the same, and all the rights and privileges of every kind belonging to the United States as connected with said road in said State, be and the same are hereby transferred and surrendered to the said State of Illinois."

No act is cited by Mr. Morris, whereby Congress has in express terms relinquished its control over the fund or authorized its payment to the State of Illinois. He states that the laws, upon which he bases the claim of the State, are as follows:

"An act to settle certain accounts between the United States and the State of Mississippi, and other states."

"Be it enacted, etc., etc., That the Commissioner of the General Land Office, be and he is hereby required to state an account between the United States and the State of Mississippi, for the purpose of ascertaining what sum or sums of money are due to said State, heretofore unsettled, on account of the public lands in said State, and upon the same principles of allowance and settlements prescribed in the "Act to settle certain accounts between the United States and the State of Alabama," approved the second of March, eighteen hundred and fifty five; and that he is required to include in said account the said reservations under the various treaties with the Chickasaw and Choctaw Indians within the limits of Mississippi, and allow and pay to the said State five per centum thereon, as in case of other sales, estimating the lands at the value of one dollar and twenty five cents per acre.

"SEC. 2. *And be it further enacted,* That the said commissioner shall also state an account between the United States and each of the other states upon the same principles, and shall allow and pay to each State such amount as shall thus be found due, estimating all lands and permanent reservations at one dollar and twenty-five cents per acre."

APPROVED March 3, 1857.

"An act to settle certain accounts between the United States and the State of Alabama."

"Be it enacted by the Senate and House of Representatives of the United States of America, in Congress Assembled, That the Commissioner of the General Land Office be, and he is hereby required to state an account between the United States and the State of Alabama for the purpose of ascertaining what sum or sums of money are due to said State, heretofore unsettled, under the sixth section of the act of March second, eighteen hundred and nineteen, for the admission of Alabama into the Union; and that he be required to include in said account the several reservations under the various treaties with the Chickasaw, Choctaw, and Creek Indians within the limits of Alabama, and allow and pay to the said State five per centum thereon, as in case of other sales."

APPROVED March 2, 1855.

The provision touching the two per cent. fund is the same in the enabling acts of Illinois, Alabama and Mississippi.

Mr. Morris contends that Alabama and Mississippi received the two per cent. fund by virtue of the above acts, and that the second section of the act of 1857, makes the provisions of the preceding section general, and consequently being applicable to the State of Illinois, justifies the claim in question.

The argument therefore is grounded upon an assumed fact, and I may concede that a casual examination of those acts, without regard to pre-existing legislation, and the peculiar circumstances which led to their passage would apparently sanction Mr. Morris' conclusion. The assumption of the fact is, however, gratuitous and untenable.

Congress relinquished the two per cent. to the states of Alabama and Mississippi by the 16th and 17th sections of the act, approved September 4, 1841. (Statutes at large, volume 5, page 453.)

The effective granting words of both sections are identical. Section 16 is as follows:

"And be it further enacted, That the two per cent. of the net proceeds of the lands sold, or that may hereafter be sold by the United States in the State of Mississippi, since the first of December, 1817, * * * reserved for the making of a road or roads leading to said State, be and the same is hereby relinquished to the State of Mississippi, payable in two equal installments," etc.

The two per cent. which has accrued from the proceeds of the lands sold in those states, was paid to them respectively in two installments, and the fund thereafter accruing has been paid quarterly in conformity to the requirements of that act. No additional legislation was therefore necessary to secure effectually to those states the five per cent. arising from the sales of lands within their limits. Their title to it since the act of 1841 has never been questioned.

After the payment of the three per cent., under act of May 3, 1822, (Statutes at large, volume 3, page 674,) and of the two per cent. under the act of 1841, those states made a claim upon the general government for the payment of five per cent. upon the estimated value of certain tracts of land lying within their respective limits, which, by virtue of treaties with the Chickasaws, Choctaws and Creeks, had been appropriated as Indian reservations.

It is well known that at the time of the passage of the enabling acts of 1817 and 1819, several millions of acres within those states were in the occupancy of Indian tribes, and when the possessory rights of those tribes were extinguished by treaty, reservations, embracing large quantities of land, were set apart for the benefit of members of the tribe, and as their individual property.

It was insisted that the grant or confirmation of these reservations should in the account between the general government and those states be considered as a sale, but the then secretary, Mr. Stewart, rejected the claim by a decision bearing date February 17, 1852. It appeared that the acts authorized only payment to be made of five per cent. on the net proceeds of sales, and furthermore, there was no act of Congress determining the value of the lands reserved. Mr. Stewart held that the department has no power to state an account or make an allowance. Congress granted relief by the acts of 1855 and 1857.

By the act of 1855 the Commissioner of the General Land Office was directed to include in the account of Alabama, "the several reservations under the various treaties with the Chickasaw, Choctaw and Creek Indians within the limits of Alabama, and allow and pay to the said State five per centum thereon, as in case of other sales."

Mississippi was largely interested and equally entitled to legislative relief, and the act of the 3d of March, 1857, granted to her the same benefits which Alabama had received by the act of 1855.

A material omission in the act of 1855 was also supplied and the commissioner was required to estimate the lands included in the reservation "at the value of one dollar and twenty-five cents per acre."

Now, in view of the inducements that led to the passage of these laws and the objects they were intended to accomplish, I submit that but one construction can be given them. They plainly require that in ascertaining the amount of five per cent. due to those states by virtue of existing laws, the reservation under treaties should be included in the account, and that the land covered by them should be estimated at \$1 25 per acre.

The second section requires that the commissioner should state an account between the United States and each of the other states upon the same principle.

Upon what principle? The obvious answer is the principle that the land, *reserved* under Indian treaties, should be regarded as so much land *sold* by the United States, and should be estimated at \$1 25 per acre.

I am unable to perceive that the claim, which Mr. Morris represents, has any foundation in the letter of these acts, or in their spirit, meaning or intention. Mr. Morris is of opinion that the decision of a former Secretary of the Interior favors his construction of the act of March 3, 1857.

The point involved in the appeal from your office and submitted to the determination of secretary Thompson was—whether lands located within the State of Mississippi, to satisfy certain Choctaw scrip issued under the acts of Congress of August 23, 1842, and August 3, 1846, were within the beneficial provisions of the act of 1857.

He decided that such lands, in adjusting the accounts of that State, “are to be regarded as constituting a portion of the several reservations under the various treaties with the Choctaw and Chickasaw Indians.”

The same principle of adjustment, the second section of the act now under discussion extends, to be applied in the settlement of the five per cent. account of other states.

The meaning of this, taken in connection with the case there presented, evidently is, that the same relief should be extended to other states, as by the first section, had been extended to Mississippi. And what was that? That lands disposed of to satisfy treaty stipulations with certain Indian tribes, should be considered, in adjusting the account of the State within which the lands are situated, as if such lands had been sold by the United States at their minimum value.

It is truly said in argument by Mr. Morris, that the two per cent. has been paid to Missouri, and he expresses the opinion that the reasons which lead to the conclusion that Missouri was entitled to it, support with equal force the claim of the State of Illinois. There is this essential difference between the two cases. The payment to Missouri was made in obedience to the requirements of an act approved February 28, 1859. (Statutes at large, volume 11, page 388.)

That act is as follows:

“*Be it enacted, etc., etc.,* That the assent of Congress be, and the same is hereby given to the act of the Legislature of the State of Missouri, entitled “An act supplemental to an act to amend an act to secure the completion of certain railroads in this State, and for other purposes,” approved on the nineteenth day of November, eighteen hundred and fifty seven, appropriating the two per centum of the net proceeds of sale of public lands in said State, reserved by existing laws to be

expended under the direction of Congress, but hereby relinquished to that State; and that the proper accounting officers of the government are hereby authorized and required to audit and pay the accounts for the same, as in the case of the three per centum land fund of said State."

This act is subsequent in date to those relied upon by Illinois in the assertion of her claim, and which are equally applicable, according to the interpretation of them insisted upon, to Ohio, Indiana and Missouri.

The fact that the latter State found it necessary to recur to a special law implied that equivalent legislation is requisite in favor of Illinois to sanction a like payment to her.

The statement is made that Alabama, Arkansas, California, Iowa, Kansas, Louisiana, Wisconsin, Mississippi, Missouri, Oregon, Michigan and Minnesota have received five per cent. and it is asked why should Illinois "be unjustly discriminated against."

I have already cited the acts of Congress authorizing and requiring the payment to Alabama, Mississippi and Missouri, and similar legislative provisions have been made for a like payment to the above named States, with the exception of California, which Mr. Morris has inadvertently included in the list.

For convenience, I subjoin a reference to the acts:

Arkansas, by act 23d June, 1836, vol. 5, page 58; to Iowa, by act 3d March, 1845, vol. 5, page 789; to Kansas, by act of May 4th, 1858, vol. 11, page 269; Louisiana to the act 20th Feb. 1811, vol. 2, page 641; to Michigan, 23d June, 1836, vol. 5, page 60; to Minnesota, by act 26th Feb., 1857, vol. 11, page 167; to Wisconsin, by act 3d March, 1847, vol. 9, page 178; Oregon, by act Feb. 14th, 1859, vol. page 384.

Some general views are presented by Mr. Morris in favor of the claim of Illinois. As they do not relate to the authority of the executive branch of the government to make the payment under existing legislation, I shall refrain from discussing them. They may, with great propriety, be submitted for consideration by Congress. That body will, undoubtedly, adopt such measure of relief as, in its opinion, justice and sound policy may require.

You will be pleased to furnish a copy of this opinion to Mr. Morris, and to His Excellency, the Governor of the State of Illinois.

I am, sir, very respectfully, your obedient servant,

W. T. OTTO,
Acting Secretary.

HON. J. M. EDMUNDS, *Com'r Gen. Land Office.*

As soon as I was apprised of the opinion given in the Interior Department, adverse to the State, I filed therein the following letter of appeal to the President:

WASHINGTON, *August 31st, 1863.*

HON. JOHN P. USHER,
Secretary of the Interior:

SIR—I learned to-day, unofficially, but I presume correctly, that the claim of Illinois to the two per cent. fund, due her for road purposes,

from the general government, and which has been pending on an appeal in your office, has been decided adversely to that State. I, therefore, pray an appeal from your decision to the President of the United States, and ask that all the papers properly pertaining to the cause, be transmitted to that officer, with the least possible delay.

Very respectfully,

I. N. MORRIS.

Agent of the State of Illinois.

A copy of the Secretary's opinion was not given to me for several days after I heard of its rendition, and was followed up by the subjoined extraordinary communication :

DEPARTMENT OF THE INTERIOR,

Washington, Sept. 5th, 1863.

SIR—I have the honor to acknowledge the receipt of your letter of the 31st ult., wherein you pray an appeal to the President of the United States, from the decision of this department, adverse to the claim of the State of Illinois to the two per cent. fund, alleged to be due her, for road purposes, from the general government.

You ask "that all the papers properly pertaining to the cause be transmitted to that officer with the least possible delay."

Not discovering, from the attention I have been able to bestow upon the subject, that an appeal lies in such a case from the decision of the department, I shall await the order of the President in the premises.

I am, sir, very respectfully, &c.,

W. T. OTTO,

Acting Secretary.

HON. ISAAC N. MORRIS, *Washington, D. C.*

I had supposed that the expression of an opinion against the validity of the State's claim would terminate the opposition in the Interior Department, but the receipt of the foregoing letter removed the delusion. Reflecting upon my duty in the matter, I prepared the following reply which I did not transmit, as I thought it might prejudice the State's claim to five per cent. on Indian reservations. I, however, now embrace it in my report as an answer to the Secretary's communication, and hope it may not be considered rude or harsh. It was enough to arouse some feeling, to have a subordinate officer to attempt to thrust himself between the President and the State, and prevent him from taking any cognizance of her rights :

WASHINGTON, September 12, 1863.

HON. W. T. OTTO,

Acting Secretary of the Interior :

SIR—On the afternoon of the 10th inst., I received, through the city post-office, your letter of the 5th, notifying me that you have been unable to discover that an appeal lies from your opinion to the President of the United States, in the matter of the claim of Illinois to the two per

cent. on the public lands sold in that State, and expressing a disinclination to send up the papers.

I was more surprised at this, as a copy of all the papers had already been furnished me, except a copy of the letter of appeal, which you acknowledge to be on file in your office. I do not, however, regard the refusal at all material, as in legal contemplation, the papers are before the President already. Being in and constituting a part of the archives of one of the executive departments, the mere formal act of placing them in the President's hands, is wholly unimportant.

I had supposed that the President was to determine for himself whether he had a right to review the case, and that you would not attempt to deny him this right, and make your will the governing rule of his action.

The power of the President to correct the mistakes and errors of his subordinates, and execute the laws, is undoubted. That power is an attribute of executive authority which no inferior executive officer can abridge or wrest from him. But I will not discuss this question with you, as its discussion more properly comes before the President. The fact that you "await his orders" for the papers, would seem to concede the point, that you recognize his power to control the case.

Was it not enough for you to give an opinion adverse to my State, without throwing additional embarrassments in the way of her obtaining justice? Why should you manifest such a desire to defeat her claim? You have given your opinion—you have expended your power—you have struck your blow, and why try to do more? Why raise additional obstacles? What has Illinois done that she should be resisted on every inch of ground, and have every possible technical objection thrown in her face? Why should there, in fact, be a *new* case made up against her in your office, which, I insist, you had no right to make, instead of disposing of her claim upon the record sent up? She has only respectfully but earnestly pressed her demand. She has only asked to be placed on an equal footing with other States, and why all this opposition? I hope, sir, you are not afraid to trust your opinion to the searching scrutiny of the President's legal mind? I hope this is not the reason you decline to send up the papers.

Illinois, I admit, is placed in a position where she is compelled to sue to power for the purpose of obtaining rights which should be freely granted, but in doing this she stands upon the conscious rectitude of her cause and the dignity of her character. She asks nothing that is not right, and will resist the infliction of wrong. I have not presented her at the Interior Department as a beggar, and a refusal of that department to "send up the papers" to the President will not relax her efforts. She may even in the end, however, be overthrown, but it will only be when she has exhausted all her energies in pursuit of the right, and then she will have left a keen and abiding recollection of the wrong done her by the general government. Although turned away from the Interior Department she is not humbled or intimidated, and has hope still left that justice will be meted out to her.

I should have sent you this reply on the day I received your letter, but I thought it best to wait until the claim of my State for five per cent. on Indian reservations was disposed of in your department.

Assuring you I have no other feeling in this matter other than that which springs from a desire to faithfully serve my State, which has intrusted me with her confidence, and which, I think, has been harshly dealt by, I remain,

Yours, very respectfully,

I. N. MORRIS.

On the same day I prepared my response to the Secretary, I addressed the President a note, and am happy to say that His Excellency never gave me at any time an intimation that the act of the Secretary in "declining to send up the papers" would embarrass his action or make the slightest difference therein. He entertained and heard the appeal fully and respectfully, and promised a decision thereon, notwithstanding the papers were not "sent up."

WASHINGTON CITY, Sept. 12th, 1863.

His Excellency, Abraham Lincoln, President of the United States :

SIR—In your letter to me under date of the 26th ult., you say, in referring to the business of Illinois, then pending before the Secretary of the Interior, "When he shall have acted, if his action is not satisfactory, there may or may not, be an appeal to me. It is a point I have not considered; but if then it be shown that the law gives such an appeal, I shall not hesitate to entertain it when presented." I could not ask, as the agent of the State, any fairer proposition.

The action of the Interior Secretary not being satisfactory, I am now ready to make the showing you refer to. I have, also, some general views to present, which, I am sure you will not be averse to hearing, as you cannot but feel an interest in all that pertains to Illinois. I desire an audience in her behalf; and, if after I shall have presented the facts, you should think she has no rights, which you have power to enforce, so let it be. Your obliged and humble servant,

I. N. MORRIS.

PRESIDENT'S ANSWER.

EXECUTIVE MANSION,

Washington, Sept, 18, 1863.

Hon. I. N. Morris :

SIR—Please carefully put the argument in writing, with reference to authorities, in the matter intended to show that the law gives an appeal to me in the matter referred to. When that is ready to be presented, I will try to give you the personal interview about Illinois matters generally. Yours truly,

A. LINCOLN.

REPLY.

WASHINGTON, Sept. 21st, 1863.

To His Excellency, Abraham Lincoln, President of the United States :

SIR—Your note bearing date the 18th inst., was received. The argument you desire, with reference to authorities, is ready to be submitted,

and as you promised me, when it was ready, an interview in regard to Illinois matters generally, Mr. Johnson and myself propose to meet you on Wednesday next at twelve o'clock. Will that time suit your convenience? I wish to consult that.

Yours very truly,
I. N. MORRIS.

At twelve o'clock on Wednesday, the President received Mr. Johnson and myself, when I made before him the following argument, and Mr. Johnson submitted his opinion. Upon that argument and opinion the case is still held under advisement by His Excellency:

ARGUMENT OF MR. MORRIS IN SUPPORT OF THE STATE'S CLAIM, AND IN REVIEW OF THE OPINION RENDERED AGAINST ITS VALIDITY IN THE INTERIOR DEPARTMENT.

MR. PRESIDENT:—The case involving the right of Illinois to the two per cent., arising from the net proceeds of the sales of public lands made within her limits since 1819, has been decided adversely to the State by the Interior Department. The decision was not unexpected by me, nor will it be by the people of the State. I would have been, indeed, but a poor interpreter of surrounding circumstances, indications and events, to have expected anything else. I do not, however, despair of the ultimate result. The interests and considerations which intervene between my State and justice, and which it is not necessary for me to discuss now, (for there will be a more favorable time and occasion for that,) will not always prevail against her. She will finally obtain her rights. I have neither a fear nor a doubt of this; and believing it, I would be an unfaithful agent if I failed to prosecute them to the extent of every honorable means.

In the short address I made your Excellency in presenting the memorials of the State Legislature, I distinctly stated that "the result was with you, for it was to *you* the State looked for the fulfillment of her too long delayed right," and added, "she does not expect to look in vain." I, also, said in that address, "you will not deny the State justice, from motives of delicacy, because you are her honored citizen—if she obtains it, she will be entirely indebted to you for it." You asked for a copy of that address, which I furnished, and accompanied it with a note, in which I stated that nothing short of a positive direction from you for the settlement of the account would effect anything. These words I had duly considered, and used them designedly, so there could be no misapprehension of my views. I knew very well before—and I knew then, as well as I do now, that the State had no hope, *except through your direct agency*, and the sequel has verified my conviction.

The Legislature of the State, also, knew very well what they were doing when they addressed their memorials directly to *you*, asking that *you* should see the laws carried into effect, providing for the payment of the money to the State, which I claim for her. The appeal was to *you*. I did not call at the Interior Department until after you had transmitted the papers there with your indorsement, for I knew it would be of no avail, and then only to urge that it would act in the premises. It required

no gift of prophesy to determine what an officer would do, who would arbitrarily hold on to an appeal for six months, when, if he had a doubt about the law conferring upon the State the benefits which I claimed for her, he could have expressed it in a single moment, and would have done it when repeatedly and ingenuously pressed as he was.

It shows, conclusively, that when he cannot defeat a case by excuses and delays—when he cannot weary out the patience of the auditor, and thus avoid direct responsibility—when procrastination will no longer avail, it will finally fail, when he is forced to act under the iron heel of power. This is almost invariably the result. Whenever there is a want of frankness there is danger. There are some things it does not take direct words to make us understand. It only required your Excellency long enough to carefully read over the laws to enable you to express your opinion.

A petitioner, whether for himself or for his State, has a very unequal contest, with an officer who will shut himself up in his room, and neither read written arguments, nor allow personal interviews, unless they are literally forced upon him, and then will scarcely answer in a few brief words, and most of those evasive. I had supposed that our government, in its republican simplicity, was accessible to all, or at least so designed, and that the humblest citizen, as well as a sovereign State, was to be respectfully heard when asking to be. Power, I know, can turn with disdain from the supplications of justice which it was formed to administer, but that justice will eventually triumph in the full consciousness of its own dignity.

I have not, nor shall I, present Illinois at the National Treasury as an eleemosynary beggar. I have not, nor shall I, place her in a position where she can be reproached with having done anything disreputable. Her honor shall be preserved if her wrongs remain unredressed and her rights unrecognized.

There is one other matter, Mr. President, which I might as well mention here. I am aware that you have an impression that it is not very gracious in Illinois to press her claim at this moment of our national troubles. You must, I am fully satisfied, be convinced the State has not acted from any design to embarrass your administration or the government. The claim has been pending before a department since 1847, has never at any time been withdrawn, and I have already explained why it was not paid under the administration of Mr. Buchanan. It is certainly as proper for your administration to adjust it, as to wait for any other one to do it. I know, and so do the people of Illinois, that the State having had a prominent candidate for the presidency for fifteen years, that it operated greatly to the detriment of her interest in common with other States, and now that she has the President, it would be hard, indeed, to turn her away for that reason. In all that pertains to the advancement and glory of our federal organization, she has as deep an interest as any member of the government, and would be the last to do anything to destroy or embarrass the common cause. Her faith she has proved by her works, which will remain an enduring monument to her patriotism and self-sacrificing devotion. It ought to be no reproach upon her that she asks from the United States the payment of a just demand. Her leading men believe that now is as propitious a

moment for its payment as any other. The amount would go into the general national indebtedness, and scarcely be felt. But it is not the money she particularly desires or cares for at present. Her *right* to it she wants established, and the claim placed in such a situation that it will be ultimately discharged. It is as little as the government can do to acknowledge the debt, if it is not in a condition to conveniently pay it. Is this asking too much? Is it even imminent?

I will only add on this branch of the subject, that the distinguished, watchful and patriotic Governor of my State, believed he would not be justified in longer delaying a demand for the sum due. Indeed, further delay might be construed as criminal negligence, and would have been. He had not, properly, any discretion in the matter, but a plain and imperative duty to perform, which he has discharged.

In again calling your excellency's attention to the claim of Illinois to the two per cent. of the net proceeds of the sales of public lands made within her limits, I do not wish me being construed as taking an appeal from the opinion which the honorable Interior Secretary has been pleased to express adverse to the State, although I filed a letter praying such appeal, to save the point. I cannot regard that opinion as having any binding authority, or as a decision of the case. The questions of law and fact involved were fully and candidly submitted to you, and after a careful examination you reached the conclusion that the law, in your opinion, is with the State. That conclusion having been expressed by you in a written communication to me under date of August 26th, of the present year, wherein you say, "I sent the papers to the Secretary of the Interior, with an indorsement that my impression of the law was not changed, and in another (the indorsement you refer to) in which you said you believed the law was with the State, I hold to be such an expression of your opinion as ought to have been respected and acted on in the Interior Department. I do not claim that in a legal sense you expressly passed upon or decided the case, but only that you gave an expression of your view of the law. At the time you did this I admit the case was not before you for determination. But if it could be assumed that you had passed upon it definitely and finally, the following arguments pertaining to a determination, would seem to be just and conclusive, and may, perhaps, apply with some force to the obligation of an inferior officer to carry out the will or judgment of his superior; especially when it is made the duty of that superior to "take care that the laws are faithfully executed," *imposing upon him both the legal and moral obligation to do it.*

All the executive power of the United States is vested by the Constitution, in the President. It is his duty to see that the laws are faithfully executed. His power of delegating his authority goes no further than to direct how, in general or in particular, *his* determinations shall be executed. He has no power to give to a subordinate executive officer authority to make a *different* decision, for that would be an evasion of his own oath of office, and defeat the guaranty of his own responsibility. Therefore, when the President has decided the law, and reached a conclusion in any matter of executive responsibility *in his own proper person*, nothing remains for any interior officer to do, but to carry that

decision into effect. That inferior cannot determine because there has already been a determination by the executive himself.

Every determination of the President requires some sort of action to carry it into effect. It must be authenticated in the departments according to the usual methods of public business. But all such methods and all such authentications are something more and something subsequent to the determination.

The determination, decision, judgment or will of the Executive on a subject matter properly before him, disposes of that matter, and nothing is left for any department, officer or agent to do but to carry into effect the decision and preserve its history. It is wholly immaterial what the question is which is so disposed of, so that it arose in the line of executive duty and was determined. When the determination is made, no other determination can be made by any subordinate will.

But should your Excellency consider the opinion rendered by the Interior Secretary a decision, I still desire to urge that it is entirely competent and proper for you to review the action of the Secretary, and to make his action conform to your opinion.

The Government is divided into three co-ordinate branches—legislative, executive and judicial—each independent of the other, and neither responsible to the other co-ordinate branches for the manner in which it discharges its constitutional functions. I repeat, the constitution provides that the executive department shall be vested in the President, whose most important duty is “to see that the laws are faithfully executed,” and of course as he understands them. Neither of the other departments can abridge or annul his power. He derives it directly from the national organic act, and the executive power is vested in him as an *entirety*. He cannot constitutionally divide or share it with another if he would. As a matter of *convenience* he may and does allow others to act for him, but their acts are, in legal contemplation, his own. What they do is implicitly done by him unless he reverses their action. This is the legal conclusion. They are his conveniences—not his equals—agents to execute *his* will—not his co-executives—his auxiliaries—not the original source of power. They are made and unmade by his breath, and it may truthfully be said that, officially, “in him they live, and move, and have their being.” Hence there can be no question but that the superior can overrule the inferior authority, which constitutes but a branch of itself, created by law, only to assist the superior power in the details of business without destroying or abridging its attributes. All the refinements of false logic on common sense cannot change this truth.

Besides, the right of appeal has been sanctioned by usage, and is supported by the opinions of the law officers of the Government. I have hunted up the authorities upon this point, but will leave its particular discussion to the able and distinguished gentleman who appears with me in behalf of the State, and who is far more able to do it justice than I am, contenting myself with a general view of the subject, yet I hope a correct legal one.

When the language of the Legislature is so peremptory in directing a subordinate executive officer to do a certain act, as it is in the laws I have cited, certainly the constitution requires that the President, in

whom is located all the executive power, shall see that "the laws are faithfully executed," and it is not in the power of any departmental functionary to intervene, and thrust himself as a barrier between the obligation to perform the act, and the President's obligation to see that the act enjoined is performed.

The President delegates his power in the manner I have stated, merely that his convenience and that of the public may be thereby subverted. To say that an officer, who is the creature of executive convenience, may refuse to obey a positive legislative enactment, and that the President has no power to control the refusal of such officer, is to relieve the President from his constitutional obligations, and to substitute for the executive authority the caprice of an irresponsible subordinate.

Certainly the framers of the constitution never intended to place such vast and important power in irresponsible hands—never intended to exalt the subalterns above the superior. You are responsible to the people for the manner in which you discharge your duty. They are only responsible to you, and their refusal or omission to execute a law imposes upon you the imperative duty of doing it. If this was not so, the whole executive power of the Government would be parcelled out among those without accountability, and would become a weak and wicked instrument in the hands of men whom the people could not reach, either for misfeasance or malfeasance in office. A direction to a subordinate to execute a law is a direction to the President. The law may speak directly to the inferior, but it is the duty of the Executive to see that he performs the act.

When Mr. Whittlesy was first Comptroller of the Treasury, under an appointment from President Taylor, he recognized the binding authority or direction of his superior officer when passing the Galphin claim for interest, by appending to his name or signature of approval, the words: "The signing of this certificate is an administrative act," referring to the order or direction of the Secretary of the Treasury for him to sign it. He was himself opposed to it. If the Treasurer could control the Comptroller, the President can certainly control the head of an executive department, and more especially the Land Commissioner.

When Mr. Tyler was President, he directly ordered a claim for tobacco, destroyed in Maryland, in the war of 1812, which a subordinate officer had refused to allow; and many similar cases to the above ones exist in the executive records, but I leave them for the honorable gentleman, with whom I am associated, to use if he thinks proper to do so.

But, Mr. President, it does not make substantially any difference, in my judgment, whether, technically, an appeal lies to you or not. I have never had any great admiration for technicalities or quibbles, nor do I believe you have. The real questions to look at are: Has justice been done? Has the law been executed? or has it been disregarded or violated? You know, Mr. President, that justice has not been done, and that the law has not been executed, and that it should be. In this state of facts it is my belief you have no discretion, but a plain and imperative duty to perform, which is "to see that it is executed." No higher constitutional obligation rests upon you. The remedy is in your own hands, and can be easily applied. There are numerous instances

upon the record of the Executive Department, showing that when ministerial officers refused to execute the laws, Presidents found and adopted ready means to have them executed, and especially when that ministerial officer acted in direct violation of the known views of the President, and in total disregard of them. Presidents cannot afford to pursue the shadow; they must follow the substance. They cannot afford to "keep the word of promise to the ear, and break it to the hope;" and your own high character for integrity furnishes a safe guaranty you will not seek to evade but establish justice. The simple truth is, (and I must say it at the risk of its being regarded unprofessional,) they have undertaken to turn my State out of court upon false issues, and she does not intend to go out in that way. If she can be beaten fairly on the merits of her cause, that is all well, but she deserves better treatment than to be thrust aside on mere technicalities and assumptions, or crushed by mere power.

Having now, Mr. President, conclusively shown, as I think, by a brief statement of legal propositions and deductions, that you can hear and determine this appeal, if it is to be treated and considered in that light—that a failure to do so will make the opinion of a subordinate your opinion, when it is not in fact and reality yours, I might, with propriety rest my case. But if I should do so, I would not, perhaps, be treating you with entire fairness, or my State with justice.

The Interior Department, as I have already said, having given an opinion adverse to the State's claim, it may be my duty to briefly review it. From its great length and the evident labor bestowed on that opinion, it may be safely assumed, that nothing which could be done has been left undone, to invalidate the rights of Illinois. Not a trace of generous liberality has been applied in the construction of the laws, but the State has been held to the most rigid rule.

What appears strange, the Interior Department did not act upon the record sent to it from the General Land Office, but assumed independent, original jurisdiction of the case, which it certainly had no right to do, and determined to *de novo*. The Land Commissioner is directed by the law to state the account, and when he has made out and sent up his record, the Interior department has no authority to assume that certain facts exist outside of it—to make up a new case; yet this has been done, and the issues changed, without giving me, as the agent of the State, the privilege of being heard. Of this I have just reason to complain. The law provides that an appeal may be taken in cases coming before the General Land Office, to the Secretary of the Interior. An appeal of what? Evidently of the case before the land office, *and as it existed there*, and that is the case the Interior Secretary is only legally authorized to act upon, and not upon one made up by himself, and he has not acted on such a case.

To suffer any other practice to grow up in governmental departments, would not only be legally wrong, but lead to interminable embarrassments and difficulties to the Government itself, and work incalculable injury to parties.

The Land Commissioner refused to make up the account of Illinois, under the act of March 3d, 1857, for the settlement of the five per cent. account of Mississippi and other states, upon the ground that the law

only applied to Indian reservations. The Interior Secretary decides against Illinois upon the additional ground that she has already, as he alleges, resolved the amount in the construction of the national road.

The foregoing facts constitute very strong reasons in favor of a direct interference on your part, Mr. President, to the end that justice may be done, and, of themselves, make this no ordinary case.

How could the Secretary assume—what right had he to assume, that the claim of Illinois had already been liquidated, when no account had been stated by the Land Commissioner? It is true, the law says "he shall state an account," but the Commissioner says he will not state it, and the Interior Secretary says he need not state it. The law is one way and their *dicta* another. The law does not say the account "may be stated," but that he is "required" to state it. The law leaves to the Commissioner no *discretionary* power, but is *mandatory, direct and positive* in its terms, free from doubt or ambiguity. But the Land Commissioner assumes the right to exercise a discretion—to set up his will in lieu of the law—in short, refuses to execute it. Whether the law, or his will, supported by the Interior Secretary, is to prevail, remains to be determined. Illinois stands upon the law, and asks that you shall direct your ministerial officer to execute it.

The application made by me, as agent for the State, was to have the account stated under the law to show:

1st. What was the amount of the two per cent. fund.

2d. That the amount thus ascertained should be allowed and paid.

The Commissioner of the General Land Office refused to state such account on the ground that the law upon which I rely applies only to Indian reservations. From his decision I appealed, and the Interior Secretary sustains the decision of the Commissioner, and gives as his reason, that the amount I claim for the State has already been expended by indirect appropriations for other purposes! The language of the act is, as I have said, mandatory, and the statement of the account is the *first thing* directed to be done. And I affirm that this must be done before it is possible to raise any question as to the account of the State having been liquidated and balanced by expenditures for different objects.

I made application to the Land Commissioner to direct an account to be made up, showing what would be two fifths of the five per cent. of the net proceeds, arising from the sale of the public lands, sold in the State of Illinois since January 1st, 1816, and based the application upon the act of 1837, which will be found embraced in my report to Governor Yates, and in the Honorable Secretary's opinion, and with which you are familiar. The control of this fund was reserved in the enabling act of the State by Congress, to be expended, under its own direction, "in making roads leading to the State." It was given to the State, but the General Government reserved to herself the right, as trustee, to direct its expenditure in the manner I have already stated, but will make still more evident before I conclude. The inquiry I made for the State, was, what is the amount of the fund thus reserved, and whether the General Government has it now in its possession, and by what authority she retains it—and if not now, by what authority it has been expended and how.

The State has a right to know, from the proper accounting officer, definitely, in dollars and cents, what the amount of the fund is, and she has also the right to know definitely, in dollars and cents, what sums have been charged against that fund, and for what purpose, if any, it has been used. The existence of the fund is acknowledged by the Honorable Secretary, but the inquiry of the State as to its amount, is now met by the vague negation that "no part of it now remains in the treasury, nor has one dollar of it been diverted from the object for which it was reserved."

It is certainly but proper that the State should have some transcript from the Treasury Department, or some statement from some officer, made by law, the medium through which the contents of the treasury are made known, rather than the assertion of a secretary, whose duties are quite other than those relating to the affairs of the treasury.

By proper inquiry I have ascertained that the books of the Treasury Department do not show any such fund as that referred to by the Honorable Secretary, or that it has been exhausted by the expenditures that he enumerates. The account has never been stated, and no man knows to day what it is. I approximated it in my report to Governor Yates, on the basis of the three per cent. fund, and the Secretary appears to have acted on that approximation. I supposed he would require from the Treasury Department an authentic statement of the account before he arrived at a conclusion on the point, and the fact that he did not obtain it, is a convincing reason why the case should be reviewed.

In confirmation of what I have said, I beg leave to respectfully read the following statements, furnished me from the Treasury Department. It appears from the certificate of the Acting Register that no account has ever been kept in that department of the two per cent. fund of Illinois.

TREASURY DEPARTMENT, COMPTROLLER'S OFFICE, Sept. 3, 1863.

HON. I. N. MORRIS, WASHINGTON CITY:

SIR—Your communication, of yesterday's date, has been received, and in reply thereto you are informed that no account has ever been kept or stated in this office for the two-fifths of five per cent. of the net proceeds of public lands lying within the State of Illinois.

Very respectfully,

R. W. TAYLER,

Comptroller.

TREASURY DEPARTMENT, REGISTER'S OFFICE, Sept. 3, 1863.

I hereby certify that the records of this office show that no account has been kept with the State of Illinois on account of the two per cent. fund.

R. SOLGER,

HON. I. N. MORRIS.

Acting Register.

But, Mr. President, permit me to refer more particularly to the law of 1857, and the construction given to it. The Land Commissioner says "it relates to money received by the Government for lands which have been reserved for certain Indian tribes," and there he leaves it. The duty was left to the Honorable Secretary of supplying the argument,

and he has adopted the novel mode of arriving at a conclusion entirely from extraneous circumstances, and not by putting upon, or even attempting to give an interpretation to the words and context of the law itself. Reduced to the form of a syllogism, his argument is this: There is a law of 1841; that law provides for paying the two per cent. to Mississippi; therefore Congress has not passed any other law embracing the same object. Again, there were certain Indian reservations in Mississippi; Congress passed an act providing for paying to Mississippi five per cent. on those reservations; therefore Congress did not embrace any other object or purpose in the law of 1857.

The Honorable Secretary, in his opinion, says: "Mr. Morris contends that Alabama and Mississippi received the two per cent. fund by virtue of the above act, and that the second section of the act of 1857 makes the provision of the preceding section general, and consequently being applicable to the State of Illinois, justifies the claim in question.

"The argument, therefore, is grounded upon an assumed fact, and I may concede that a casual examination of those acts, without regard to pre-existing legislation, and the peculiar circumstances which led to their passage, would apparently sanction Mr. Morris' conclusion. The assumption of the fact is, however, gratuitous and untenable. Congress relinquished the two per cent. to the States of Alabama and Mississippi by the 16th and 17th sections of the act approved September 4th, 1841."

When the Honorable Secretary made the foregoing statement, my report to Gov. Yates was before him, and he was making frequent references to it. It, therefore, seems almost inexcusable that he should so materially misapprehend my position. What I say in that report is this:

"What, as he (the Land Commissioner) seems to suppose, two sections incorporated into the pre-emption act of 1841, relating to the two per cent. fund due Alabama and Mississippi, can have to do with the construction of the act of 1855 and 1857, making no reference to the special legislation referred to, is more than I can discern. The Commissioner seems to forget that the laws of 1855 and 1857 were passed *long subsequent* to the special legislation of 1841, and that the act of 1857 is a general act, intended for the benefit of *all the states*, and requires the five per cent. to be paid to each state. Is each state to be deprived of its rights under that act because some sixteen years before, Congress passed a special law for Alabama and Mississippi? The Commissioner certainly cannot doubt but that Mississippi, if she had not previously received her five per cent., could receive all or any part of it under the act of 1857; and, if Mississippi, why not 'each of the other states?' The law so provides, and covers the original sum and all arrears due Mississippi and other states."

After misstating my premises; after asserting that my argument is founded upon an assumed fact; after asserting that the assumption of that fact was gratuitous and untenable, the Secretary gravely comes to the conclusion that the argument is ungrounded! I submit, from the showing I have made, that, having ascribed to me wrong premises, his conclusions are necessarily false. "The mote is in his own eye," and I

respectfully return upon him the compliment, that his "assumption of the fact is gratuitous and untenable."

The law of 1841 does, as the Honorable Secretary has stated, relinquish to Mississippi the two per cent. fund arising from the fifth section of her enabling act, to be paid in two equal instalments, and quarterly after the payment of the last instalment; but I am unable to perceive any good reason in this why Congress should not subsequently pass an act requiring *the whole five per cent. account to be stated "for the purpose," as the language of the law is, "of ascertaining what sum or sums of money are due to said State, (Mississippi,) heretofore unsettled, on account of the public lands in said State,"* under the provisions of the section of her enabling act I have just referred to, and require any balance to be paid.

The same is true of Alabama, for the law of 1857, passed for the relief of Mississippi, and other states, is founded on the Alabama act of 1855, with which your Excellency is familiar.

The Honorable Secretary, on the basis of the foregoing premises, arrives at the strange conclusion that the act of 1841 interposes, as an insuperable barrier, to the rights of Illinois under the law of 1857! I am not able to see the matter in that light, and it would certainly require a legal microscope of extraordinary power to discover the legitimacy of *his* conclusion.

Having planted the act of 1841 as an outpost, to guard his further progress, and as furnishing a proper interpretation of the law of 1857, the Honorable Secretary advances upon the Indian reservations in Alabama and Mississippi, the history of which, and the claims growing out of them, he details at some length, which features it is wholly immaterial I should examine, as they are extra-judicial matters injected into his opinion, and properly have nothing to do with the case. I suppose, however, his object in using the statement he has, pertaining thereto, is to show there was no necessity for the law of 1857, except to give to Mississippi five per cent. on Indian reservations, which alone, in his judgment, superinduced its passage.

In conclusion he says:

"Now in view of the inducements that led to the passage of these laws and the objects they were intended to accomplish, I submit that but one construction can be given them.

"They plainly require that in ascertaining the amount of five per cent. due to those states by virtue of existing laws, the reservations under treaties should be included in the account, and that the land covered by them should be estimated at \$1,25 per acre.

"The section section requires that the Commissioner should state an account between the United States and each of the other states upon the same principle.

"Upon what principle? The obvious answer is the principle that the land *reserved* under Indian treaties should be regarded as so much land *sold* by the United States, and should be estimated at \$1,25 per acre.

"I am unable to perceive that the claim which Mr. Morris represents, has any foundation in the letter of these acts, or in their spirit, meaning or intention."

Now, Mr. President, I propose to briefly analyze the law of 1855, passed for the benefit of Alabama, and the law of 1857, passed for the benefit of Mississippi and other states, and see whether their sole object was to give to the states five per cent. on Indian reservations, and whether they require nothing more, as the Honorable Secretary asserts, than to include in the five per cent. account authorized to be paid by previous acts of Congress, the five per cent. on the value of Indian reservations. For that object, why was it necessary to state a new account?

The Honorable Secretary says he is unable to perceive that the claim which I represent has any foundation in the "spirit, meaning or intention" of the acts of 1855 and 1857. If they have no such foundation I ask no benefit from them for Illinois—if they have, the Honorable Secretary's long experience in the law, and great acumen, ought to enable him to discover it, and grant to my State the rights she is entitled to under them. It will not avail to make a simple declaration, and leave it unsupported by argument. I desire nothing more than that the laws should be tested by all the legal rules of construction, their words, contents, subject matter, effect and consequence, spirit and reason, but at the same time, I protest against their being set aside by outside issues, and deductions drawn from those issues.

How can "other states" have their five per cent. account on public lands stated, if they had no Indian reservations, if, as the Honorable Secretary asserts, the five per cent. on those reservations was to attach to said accounts or be included in them? According to the assumption of the Honorable Secretary, there must exist another law, authorizing the payment of the five per cent. on the public lands sold within a state before an account can be stated and paid. Where there is no such law—and I admit no special act has been passed for the benefit of Illinois—there can be no statement, according to his logic, of the five per cent. account, so that the second section of the act of 1857, relating to "other states," is rendered entirely nugatory. In other words, the legislative power of the Government was guilty of the consummate folly, according to the Honorable Secretary's reasoning, of passing an act without an object, and without a meaning. I leave the Honorable Secretary to reconcile, as best he can with Congress, the difference between them.

Let the argument be stated in another form. According to the Honorable Secretary's logic, another law must exist, as a basis for the computation of the five per cent. It was so with Alabama and Mississippi, and he thinks it must necessarily be so with other states, and therefore, where there is no such law, there can be no such computation, according to his opinion. And yet the land commissioner, confining himself within the scope and meaning of the Honorable Secretary's opinion, decides that under the law of 1857 Illinois is entitled to the five per cent. on her Indian reservations, which amount to 41,754 59—100 acres in the aggregate, and that he will state that account with a view to its payment. I beg leave to read the correspondence which passed between us on the subject.

[NOTE.—This correspondence will be found in a subsequent part of the report, relating to the per cent. on Indian reservations.]

How can the commissioner state the account, when, by the very terms of the law, it is not to be regarded as a separate, distinct, substantive

account, but an account to be "*included*" in another account, to wit: the five per cent. land account. The absurdity into which the Honorable Secretary and the Honorable Land Commissioner have fallen, is so apparent that the proposition need only be stated to be understood. Why did the law of 1857 provide for or say anything about stating an account, under the fifth section of the enabling act of Mississippi, if that was not to be done? It could simply have provided for the payment to that state, and would have so provided if that had been its sole object of the five per cent. on Indian reservations. There is nothing in the fifth section of the enabling act of Mississippi which in anywise refers to Indian reservations, or which relates to five per cent. thereon, but it relates exclusively to the five per cent. on public lands within the state, upon which five per cent. was to be computed, and then the five per cent. on Indian reservations was to be added, or "*included*"—that is the word the law uses.

What is true of Mississippi is equally true of Illinois, one of the "other states." The five per cent. on the public lands valued at \$1.25 per acre, was first to be stated, in the form of an account, and then the five per cent. on Indian reservations was to be "*included*," that is, put in the account, and the whole amount "*allowed and paid*." This conclusion is as inevitable as that two and two make four. No reasoning or sophistry can overthrow it, and it is but trifling with legitimate deductions to attempt it. So clear is it that we might as well cavil with the decree of the Almighty, when He spoke the sublime words, "Let there be light, and there was light."

But the Honorable Secretary says, after reaching the conclusion on the basis of his method of reasoning, and this is all he says about it:

"The second section" (referring to the law of 1857,) "requires that the commissioner should state an account between the United States and each of the other states, upon the same principle."

"Upon what principle? The obvious answer is, the principle that the land, *reserved* under Indian treaties, should be regarded as so much land *sold* by the United States, and should be estimated at \$1.25 per acre." This is all true enough. It is all true that Indian reservations were to be treated as land sold, and this is the sole conclusion the Honorable Secretary draws from the second section of the act. Is there anything in the simple fact that Indian reservations should be regarded and treated as lands "*sold*," to exclude the deduction that an account should be stated on the net proceeds of the public lands? Certainly no such deduction can properly be drawn from the law itself, for the very groundwork of that law is that the account shall be stated on the lands sold, and then provides that Indian reservations shall be treated in the computation as such lands. The Honorable Secretary has sought for, without finding, a secure refuge under a conclusion, right enough in itself, but essentially wrong when tested by the entire provisions of the law. And yet, in language covering ten lines, upon such reasoning as I have stated, he seeks to set aside the important interest of my State. The fact alone that Indian reservations were to be treated as lands "*sold*," shows of itself that both were to be included in the account to be stated. I protest, in the name of my State, against his reasoning,

and his deductions. Both are unfounded, except upon violent presumptions and false conclusions.

The very title of the act of 1857, which is its best interpreter, sustains the construction I have given to the law. It is "An act to settle certain accounts," using the plural term, "between the United States and the state of Mississippi,"—not to settle *an account*, but "*certain accounts*,"—thus showing conclusively that the five per cent. land account, and the five per cent. account on Indian reservations, were both to be included. As with Mississippi, so with the "other states." Their accounts—not account—were both to be stated; that is, the five per cent. account on the public lands sold, and the five per cent. on Indian reservations, which, when ascertained, was to be included in the first or land account; and, when thus stated, the law declares they shall be "allowed and paid." Notwithstanding this is so plain, the land commissioner only proposes to state the account of the five per cent. on Indian reservations. I submit that his action is wrong, and in palpable disregard of the very letter of the law.

The account to be stated for Alabama and Mississippi was not an account alone of the two per cent. which the law of 1841 provided for paying, but the *whole five per cent. account on public lands*, including, of course, the three per cent. which they had received under and by virtue of their enabling acts, and any balance found due was to be allowed and paid, the law covering both the two and the three per cent. fund, so that the Honorable Secretary could have applied, with the same propriety and correctness, and traced to an equally original origin, the law of 1857, if he had applied it to and grounded it on the special anterior acts of 1817 and 1819, enabling the people of Alabama and Mississippi territories to form state governments, as he did in tracing it to and founding it on the law of 1841, providing for the payment of the two per cent. fund to those states; and to the three per cent., placed by the first acts directly under the control of the legislatures of those states, as he did to the two per cent. provided to be paid over under the last named act. He could also have found an interpretation equally intelligent and reasonable for the necessity of passing the act of 1841, in the enabling acts for Alabama and Mississippi, as he did in finding a necessity for the act of 1857, in the law of 1841. The act of 1857 relates to the laws of 1817 and 1819, precisely as it does to the law of 1841. Then why allow the latter, as he does, to furnish the only solution for the necessity of its passage? The reason may be found in something else, perhaps in an anxiety for a refuge, but certainly not in his interpretation of the reason why the law of 1857 was passed, to wit: to cover Indian reservations, as the act of 1841 covered the two per cent. Did not the laws of 1817 and 1819 cover the three per cent.? And why should not the necessity for its passage be found in the latter laws as well as the former ones? If all or any part of either fund remains unpaid to Illinois upon the account being stated, that is, upon ascertaining if any, and if so, how much, has been paid, the remainder shall be allowed and paid, deducting the payments from the sum total. In short, the law of 1857 provides for closing up the whole five per cent. accounts of the states, by declaring that the amounts found due should be paid to them upon being stated. This is just what it means—nothing more, and nothing less—and just what it

was intended to mean. No legal mind can make, legitimately or logically, anything else out of it. If it does not mean that it means nothing, and is a legislative abortion. Suppose Alabama and Mississippi had demanded, under the law of 1857, a statement of their whole five per cent. account, and they may have done it for aught I know, for it was not a material inquiry with me, and the payment of any balance due, would they not have had a right to make the demand, and would it not have been clearly the duty of the land commissioner to have complied with such demand? If Alabama and Mississippi had such a right, why not Illinois? Why refuse to deal out to her equal and exact justice? Why deny her an equal privilege under the law? Why this favoritism? Why turn one state away, when you would not and could not another? Their rights are equal under the law, and Illinois only asks to be placed where Alabama and Mississippi now stand. If it was not the intention of Congress to place the "other states" on an equal footing with Alabama and Mississippi, in respect to the five per cent., why did they say anything about it in that connection? and why did they so provide?

"An act to settle certain accounts between the United States and the state of Alabama," approved March 24, 1855, requires "an account to be stated." What account? The account relating to Indian reservations? No. What account then? The law is specific in defining it. It says "that the Commissioner of the General Land Office shall state an account between the United States and the state of Alabama, for the purpose of ascertaining what sum or sums of money are due to said state, heretofore unsettled, under the sixth section of the act of March second, eighteen hundred and nineteen, for the admission of Alabama into the Union." What language could be plainer? The land commissioner is "required"—that is the word used in the law—to state an account. Between whom? "The United States and the state of Alabama." For what object? For the purpose of ascertaining what sum or sums of money are due to said state, heretofore unsettled. Under what? The sixth section of the act of 1819, allowing the people of the territory of Alabama to form a constitution and state government, preparatory to their admission into the Union. What is the provision of that section? I will read it:

"That five per cent. of the net proceeds of the lands lying within the said territory, and which shall be sold by Congress, from and after the first day of September, in the year one thousand eight hundred and nineteen, after deducting all expenses incident to the same, shall be reserved for making public roads, canals, and improving the navigation of rivers, of which three-fifths shall be applied to those objects within the said state, under the direction of the legislature thereof, and two-fifths to the making of a road or roads leading to said state, under the direction of Congress."

If the law stopped as far as I have quoted it, there would be found in it nothing about Indian reservations, but it goes on to say "and that he"—referring to the land commissioner—"be required to *include* in the said account the several reservations under the various treaties with the Chickasaw, Choctaw and Creek Indians, and allow and pay to the said state five per cent. thereon, as in the case of other sales," so that the Indian reservations are only *cumulative*, and not, as the Honorable Secre-

tary supposes, the original substantive object of the legislation. If any arrears were found due to Alabama, under the sixth section of the act admitting her into the Union, they were to be stated and paid by the act of 1857, whether they were parts of the two or three per cent. fund, so that it became necessary that the law should be wide enough and broad enough to cover the whole subject. But aside from this I submit whether there was any necessity for the law or not. Congress was the proper judge, and not the Honorable Secretary, who argues upon the assumption there was no necessity for it. That is not the question—the proper subject of inquiry—the real question is, does the law exist? If your excellency will turn to the Honorable Secretary's opinion, you will find it there.

The "Act to settle certain accounts between the United States and the state of Mississippi, and other states," is based upon the Alabama act, and is similar in its provisions, except that it is made general in its terms, and fixes the value of all public lands, as well as Indian reservations, upon which the five per cent. is to be stated and paid, at \$1.25 per acre, which the Alabama act omitted. Illinois is one of the "other states," included in the law, and I only ask in her behalf the benefit of its provisions—only ask that she shall be placed on an equal footing, where the law places her, with Alabama and Mississippi.

What does the second section mean when it fixes the value of "*all lands*" as well as "*permanent reservations*," using *both terms*, at \$1.25 per acre, but that the computation of the five per cent. should be made upon both? What does the law mean when it says the amount thus found due "shall be allowed and paid?" It means precisely what it says or it means nothing. It is either a plain statute, which any one can understand, or it is a piece of useless legislative folly. Confine the construction to the strictest letter of the act, and allow no spirit of generous liberality towards a state—let the harshest, most rigid and parsimonious course be adopted by your ministerial officers, and still the law is with Illinois. Every effort to baffle, distort or overthrow it, leaves it the same plain, unmistakable statute. Its provisions may not be complied with, but they cannot be misunderstood; they may be disregarded, but they cannot be construed away. They are too plain to cavil over.

Some may, and probably will, derive the impression from the tenor of a portion of the Honorable Secretary's opinion, that Illinois was only entitled to three per cent. on her public lands, which she received, while Alabama and Mississippi were entitled to five. The fact is, each was equally entitled to the five per cent., the provisions in their enabling acts being similar, except that Illinois took three parts of her five per cent. for educational purposes, while the other states took theirs for purposes of improving the navigation of rivers, and constructing roads and canals. Each state had and held an absolute right in the fund set apart to them, but Congress reserved to itself the right, as trustee, to expend two parts of each, to construct a road or roads, leading to each state respectively. The money, when it accumulated in the treasury, did not belong to the General Government, but to the states. They had rendered a full equivalent therefor, by a stipulation between them and the United States, that they would not tax the public lands for five years after their entry, nor the lands of non-residents higher than those of

residents, and, in addition, Illinois exempted patented lands from taxation for a certain period. That what I have said in regard to the five per cent. belonging to the states may be more clearly understood, I will read the provisions relating thereto, applicable to Mississippi and Illinois. I have already read the one applying to Alabama.

The fifth section of an act to enable the people of the western part of the Mississippi territory to form a constitution and state government, etc., approved March 1st, 1817, is as follows:

"That five per cent. of the net proceeds of the lands lying within said territory, and which shall be sold by Congress from and after the first day of December next, after deducting all expenses incident to the same, shall be reserved for making public roads and canals, of which three-fifths shall be applied to those objects within the said state, under the direction of the legislature thereof, and two-fifths to the making of a road or roads leading to the said state, under the direction of Congress."

The act admitting Illinois into the Union, entitled "An act to enable the people of the Illinois territory to form a constitution and state government, and for the admission of such State into the Union on an equal footing with the original states," approved April 18, 1818, says in section sixth, condition third:

"That five per cent. of the net proceeds of the lands lying within such state, and which shall be sold by Congress, from and after the first day of January, one thousand eight hundred and nineteen, after deducting all expenses incident to the same, shall be reserved for the purposes following, viz: two-fifths to be disbursed, under the direction of Congress, in making roads leading to the state, the residue to be appropriated by the legislature of the state, for the encouragement of learning, of which one sixth part shall be exclusively bestowed on a college or university."

The sum claimed by Illinois has already been appropriated to that State. The sixth section of her enabling act reserved it to her. Similar provisions in the enabling acts of other states, or in the acts providing for their admission into the Union, reserved a like sum to them respectively. There has been a uniform construction given by the General Government to the provisions reserving the five per cent. to the states, and no one has ever doubted that those of them in which public lands were located are legally entitled to it. In cases where it has not been paid over, it remains a reserved fund in the United States Treasury, as the property of the state, and the law of 1857, which attaches itself to the provisions setting aside and reserving it, declares "it shall be allowed and paid." What further legislation is necessary? Illinois has so much money in the National Treasury, and the law says to the proper accounting officer "state her account" under the sixth section of her enabling act, and when you have ascertained the amount of the five per cent. on her public lands and Indian reservations, if only three parts of it has been paid to her, pay the balance. Is it possible for any legislation to be plainer? The laws speak for themselves and plead my cause for me, not with dumb and silent mouths, but living voices. Congress has done its duty. If public officers refuse to do theirs, hold them to a proper accountability for it. Illinois cannot do more with them than to send up into their ears her voice, which she will do, in vindication of

her rights and honor, and expects to be heard and understood when she does speak. Her great interests have been sported with, and must she remain quiet? Must she neglect to speak for her rights, and speak plainly and openly? Candor is the soul of honesty and truth. Without it they are the priceless treasures of Heaven hidden under the garb of duplicity. Illinois always talks plain.

We have seen that the Hon. Secretary claims, in his opinion, that not a dollar of the two per cent. of Illinois has been diverted from the original object for which it was appropriated by Congress. Was it a legal and proper use of it to build a road with it, leading to the State, and then give that road to Indiana, his own State, as was done? Was it a legal and proper use of it to squander the amount on detached portions of work on the National road in my own State, and then abandon the enterprise, leaving all that had been accomplished in a useless and worthless condition? If such is the Hon. Secretary's legal conclusion, and it seems to be, I must differ from his construction of the 6th section of the act admitting Illinois into the Union, which sets apart and reserves to the State five per cent. on her public lands, and provides that two parts of it shall be expended under the direction of Congress in "making roads leading to the State," not in making a road and giving it to Indiana, not in making an attempt to build a road, and then abandoning it, but to "*make roads*." Where is the road "made" for the benefit of Illinois? I will be greatly obliged to the Hon. Secretary if he will point it out, and so will my State. I again ask where is it? Where is her road? Has Indiana got it? Is there the trouble? The Hon. Secretary entirely overlooks or ignores the fact that after the road was constructed through Indiana to the border of Illinois it was donated by Congress to his own State, and this, in his view, is complying with the law!

But suppose we admit, for the sake of argument, all that the Hon. Secretary has said, still he seems to have forgotten the important facts that the law of 1857 was passed *long subsequent* to all acts making appropriations for the National road, and that that law is the *last mind* of the Legislature, and is consequently to govern. The mistake he has made is that he has been traveling through old and gloomy sepulchres, looking for living forms where none exist. He speaks through the dead, and not the living. The law of 1857 is the monumental shaft which rises over the spot where lies entombed the acts reserving the two per cent. fund of Illinois for the purpose of constructing the National road, and upon which is inscribed the epitaph, "that road belongs to Maryland, Pennsylvania, Virginia, Ohio and Indiana—*Illinois has no beneficial part or lot in it.*"

In short the whole case is in a nut shell, if I am allowed to use a western phrase. Mississippi applied to Congress for an act, as Alabama had previously done, to have her five per cent. account stated under her enabling act, and proposed that her Indian reservations should be included in it. Congress did not see the justice or propriety of those states receiving the five per cent. without applying the same principle to other states, and hence amended the bill of Mr. Brown so as to have their five per cent. accounts stated, allowed and paid upon the basis that "all lands and permanent reservations should be estimated at \$1 25 per acre."

It is noticeable that the Hon. Secretary does not, in his lengthy opin-

ion, attempt to discuss the law, but to defeat its provisions, and debar my State of her rights under it, by thrusting before her matters which have as little to do with the law itself as they have with the moral code. It is also a singular fact, that of all the legal minds, (and some of them of the very highest order,) to whom the question has been officially or unofficially submitted, not one has been found outside of the Interior Department, that has not arrived at the conclusion that Illinois is entitled legally to the benefits I claim for her.

The history of the act is brief, and I might as well give it, as it will assist in the elucidation of the law. The thirty-fourth Congress organized on Monday, the 4th of March, 1856, after a long contest in the House of Representatives for the election of Speaker, which resulted in the choice of Mr. Banks. On that day, Mr. Brown, of Mississippi, introduced into the Senate a bill to settle certain accounts of Mississippi with the United States. (See Senate Journal, first session, 34th Congress, page 84.) The bill was referred to the committee on public lands, (the appropriate committee,) and on the 29th of April they reported it back with an amendment. (See Senate Journal of same Congress, page 29.) It passed the Senate on the following 5th of May. (See Senate Journal, page 304.) Mr. Stuart, of Michigan, was the member of the committee who reported it back, its passage having been unanimously recommended. Mr. Brown was the only Senator who discussed it, and he did so briefly. I will read all that was said and done at the time of its passage:

“Mr. Brown—The committee on public lands on Thursday last reported back the bill introduced by me (S. No. 4) to settle certain accounts between the United States and the State of Mississippi. The principle on which it is based has already been settled by the action of Congress. It applies to my State, and the amendment of the committee embraces like interests in other states. I ask the indulgence of the Senate to take up and pass it now, so that it may have a fair opportunity of getting through the House of Representatives at the present session of Congress. If it embraced any new principle I should not ask to have it taken up now.”

The motion was agreed to, and the Senate proceeded, as a committee of the whole, to consider the bill which proposes to direct the Commissioner of the General Land Office to state an account between the United States and the State of Mississippi, for the purpose of ascertaining what sum or sums of money are due to that State, heretofore unsettled, on account of public lands, and upon the same principles of allowance and settlement as are prescribed in the “Act to settle certain accounts between the United States and the State of Alabama,” approved March 2, 1855. He is to include in the account the several reservations under the various treaties with the Chickasaw and Choctaw Indians within the limits of Mississippi, and allow to the State five per centum thereon, as in case of other sales, estimating the lands at the value of \$1 25 per acre.

The committee on public lands reported the following amendment:

And be it further enacted, That the said commissioner shall also state an account between the United States and each of the other states, upon the same principles, and shall allow and pay to each State such amount as shall thus be found due, estimating all lands and permanent reservations at \$1 25 per acre.

The amendment was agreed to; the bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, was read the third time and passed.

On motion of Mr. Stuart, the title was amended so as to read, "A bill to settle certain accounts between the United States and the State of Mississippi and other states."

It will be perceived that Mr. Brown says the bill embraced no new principle. The payment of the five per cent. to the states had long been acquiesced in and was no new principle. Hence there can be no misapprehension of the legislative mind—and what was intended to be and was provided for. It was the payment of the five per cent.

It will also be noted that he definitely states that the bill provided for the settlement of *certain* accounts—not for the settlement of *an account* between the United States and the State of Mississippi, and that the amendment of the committee "*embraces like interests*"—not interests in other states. This explanation of the bill clearly shows the understanding the introducer of it had—the understanding the committee on public lands and the Senate had of it. Its terms were so just to Mississippi and "other states," and its provisions so unmistakable that no one doubted them, or attempted to give any other interpretation to the act. All understood it as relating to the five per cent. to be paid on public lands sold, and on Indian reservations.

The bill underwent the rigid scrutiny of the Senate committee on public lands, who would not consent to its passage until they had so amended it as to place the "other states" on an equal footing with Alabama and Mississippi in respect to the five per cent. After it reached the House it was referred to the judiciary committee, reported back by them, and its passage unanimously recommended. A brief explanation was made of the Indian reservation feature of it by Mr. Lake of Mississippi, the rules were suspended, and it passed that body on such suspension of the rules.

The Hon. Interior Secretary refers, in his opinion, to the payment of the five per cent. to Arkansas, Iowa, Kansas, Louisiana, Michigan, Minnesota, Wisconsin and Oregon, and leaves it to be inferred that *special* laws were passed by Congress, appropriating that fund to the respective states named. Such is not the fact. All had it set directly apart to them, and placed under the control of their respective legislatures by their enabling acts, or the acts providing for their admission into the Union. Louisiana was the first State thus dealt with. Subsequently Congress changed its policy and reserved two-fifths of the five per cent. to be expended under its own direction, and applied this restriction to Mississippi, Alabama, Illinois, Missouri, Indiana, etc., as it had before applied it to Ohio. In 1836, the restriction was not imposed on Arkansas or Michigan, when they came into the Union, nor has it been upon any new State since that period, thus showing the fact that the general government became more and more liberal in her dealings with the younger members of the confederacy, as was entirely proper.

A portion of the states receiving directly the whole five per cent. to be expended under the direction of their own legislatures, it led first to special legislation, to give its control to other states which had not received all of it, and finally culminated in the general law of 1837.

The Hon. Secretary says: "It is truly said in argument by Mr. Morris, that the two per cent. has been paid to Missouri, and he expresses the opinion that the reasons which led to the conclusion that Missouri was entitled to it, support with equal force the claim of the State of Illinois. There is this essential difference between the two cases: the payment to Missouri was made in obedience to the requirements of an act approved February 28, 1859."

I did make the statement attributed to me, when discussing the question of the National road, as a *matter of contemporaneous history*, showing that Illinois has derived no more benefit from it than Missouri—not in the sense in which the Hon. Secretary interprets it. But I also stated in my report, that because a State was driven to the necessity of procuring the passage of a special act, to obtain rights she was denied by reluctant officers, that did not deprive Illinois of her rights under the act of 1857. Will the Hon. Secretary say he thinks it does? Let us reduce the argument to the form of a syllogism. Missouri was entitled to two per cent. for road purposes on her public lands; Missouri got her two per cent. under a law passed in 1859, therefore Illinois has no right to her two per cent. under the act of 1857. It is by such arguments as these that my State is denied justice by the Interior Department.

There is one other point touching the act of 1857, which I will notice and then dismiss that branch of the subject. The Hon. Secretary says:

"Mr. Morris is of opinion that the decision of a former Secretary of the Interior favors his construction of the act of March 3, 1857. The point involved in the appeal from your office, and submitted to the determination of Secretary Thompson, was, whether lands located within the State of Mississippi to satisfy certain Choctaw scrip issued under the acts of Congress of August 23, 1842, and August 3, 1846, were within the beneficial provisions of the act of 1857.

He decided that such lands, in adjusting the accounts of that State, "are to be regarded as constituting a portion of the several reservations under the various treaties with the Choctaw and Chickasaw Indians."

The same principle of adjustment, the second section of the act now under discussion, extends to be applied in the settlement of the five per cent. accounts of the "other states."

The Hon. Secretary's quotation from the opinion of his predecessor, or rather a partial synopsis of and abstract from it, evidently furnished by one of his clerks, proves altogether too much to sustain his position. After disposing of the case before him under the first section of the act, Mr. Thompson says: "This same principle of adjustment, the second section of the act now under consideration extends to be applied in the settlement of the five per cent. accounts of other states." Yes, "*the settlement of the five per cent. accounts of other states.*" But Mr. Thompson says more in his opinion which the Hon. Secretary does not think proper to quote. He adds immediately after the foregoing words "thus as regards justice and right, Alabama and Mississippi are entitled to a liberal construction of the acts of Congress of March 3, 1855, and March 3, 1857, and as a matter of equity between these two states as claimants against the United States and as between them and the other states of the Union, all are entitled to the same equal and liberal con-

struction in carrying the act of 1857 into effect." I submit then I was right in saying that Mr. Thompson's opinion sustains my construction of the law. Had the Hon. Secretary turned to the records of the General Land Office, he would have found another opinion there recorded, that of the Hon. Thomas A. Hendricks, of his own State, formerly commissioner of that office and now a United States Senator, a gentleman of the highest legal ability, which also sustains my construction.

The Hon. Secretary adopts the opinion of his predecessor, that lands located with Indian scrip are to be treated as lands sold, but there he stops, and does not give the same liberal and proper construction to the act of 1857, which Mr. Thompson said applied to the settlement of the five per cent. accounts—not account of the other states. The one is in favor of placing the "other states" on an equality with Alabama and Mississippi—by giving to them the five per cent. on their public lands, and on their Indian reservations the same as Alabama and Mississippi received, but the other says Illinois has no such claim to equality of rights. Alas for poor Illinois; true and loyal as she is, she finds the Interior Department slamming the door of public justice in her face. Although she has spoken through her press, her governor, her judges, her State officers, her Legislature and her Congressmen, their united voices are treated as only the distant murmurings of fraudulent demands, engendered in wrong motives and a clouded intellect. Must she rest under the implied imputation that she can neither present an honest claim or understand her rights? It is her privilege and duty to insist that because the act of 1857 includes Indian reservations, it does not necessarily, as the Honorable Secretary seems to suppose and assume, *exclude* every other object, purpose and thing. This will be the more apparent when we remember that Mr. Thompson, a former secretary, determined that the law of 1857 extended to be applied to the five per cent. accounts of the other states, whereas the acting secretary, who relies upon his opinion misquotes it, and makes him use the word "account," which he did not use—a word essentially different from accounts used in the law. To state "an account" is quite a different thing to stating "accounts" as the law requires.

Mr. President, the Honorable Secretary does not rest his case upon his construction of the act of 1857. He evidently distrusts that ground himself, or else why has he labored to show that Illinois has already received her two per cent. in expenditures on the National road, thus by inference, casting upon her the imputation that she is trying to palm off a fraud on the general government, which I repel as unfounded.

One of two things is certain. She is either entitled to the payment of her demand under the act of 1857, without regard to the expenditures referred to, or she is not entitled to receive it without further legislation. This I freely admit. Perhaps the same reason, (or it may have been some other one, and if so, it makes no difference) which led to the passage of the act of 1859, for the benefit of Missouri, may have led (indeed I am told it did) to the passage of the acts of 1855 and 1857, namely, that government officers refusing to do their duty under previous laws it is often more expeditious and pleasant to procure the passage of another law, to avoid their objections, than it is to contend with them.

It is often said that the United States is the most unjust government in the world towards her honest creditors—that her officers labor to evade, and not to execute a law appropriating money to discharge existing obligations. However this may be, the act of 1857 is so full and complete in its terms, that Illinois rests her claim upon it with the confident expectation of having it allowed and paid. It may safely be asserted that if the general government never quibbled, caviled or sported with the interest of a State, but always dealt frankly and fairly with her it would be far more likely to secure her enduring and affectionate confidence. It ought always to be liberal and magnanimous, but more especially equally just in its dealings with all the states.

The Honorable Secretary states that the case of Illinois differs from that of Alabama and Mississippi in that the 16th and 17th sections of the act of 1841 "relinquished" to those states the two per cent. fund. The act of 1857 did precisely for Illinois what the act of 1841 did for Alabama and Mississippi, namely: granted to her the right to possess and control the two per cent. fund, *but the whole interests of all the states was covered by the more comprehensive act of 1857.* It is insisted that that fund was retained in the treasury to replace appropriations out of it for the National road. How could this be until the account was stated, for until then there was no fund in the treasury out of which to replace it. The fact is, that at the very time of the appropriations referred to by the Honorable Secretary, no such fund, in any amount, existed anywhere, for but few of the public lands in Illinois had then been sold. When it did accumulate in the treasury, it remained a reserved fund until the act of 1857 vested it in the State, for up to that time, nor since, has there been an account stated by which to determine the sum due the state, or with which she was to be charged, if anything.

But granting that the fund that existed has been exhausted, let us examine the modes by which it is said to have been absorbed, and see whether Illinois has been fairly and equitably dealt by.

I will not again travel over the whole question of expenditures on account of the National road. That point I pretty fully discussed in a report to Governor Yates, submitted in April last, copies of which I sent to your Excellency. The opinion of the Honorable Secretary presents no new feature in the aspect of the question, nor has he ventured upon an assault, in direct terms, on Illinois' equitable rights, though his data, unexplained, will leave the impression she has not much equity. For instance, he states her two per cent. fund amounts to \$474,000 00—that \$606,000 00 was appropriated to be expended on the National road in that State—that the work done upon it in Illinois, Congress has relinquished to that State, and therefore he thinks the conclusion must follow that she has no just claim.

The unfairness of arriving at results in this way is very transparent.

Let us look at the facts. Some of them have been stated by the Honorable Secretary, if not entirely accurately, at least enough so for all useful purposes. Some he has altogether omitted, which it is necessary to know, before there can be a full and proper understanding of the subject. He states that the act of May 15, 1829, provides that three commissioners shall be appointed by the President to lay out a road between Wheeling, in Virginia, and the Mississippi river, termina-

ting at a point between St. Louis and the mouth of the Illinois river—that it was declared in the act that nothing contained therein should be so construed as obligating the United States to make the road. This is all so, but what of it? It is quite clear that the Honorable Secretary leaves the inference to be drawn that the United States never placed itself under any obligation to construct the road through Illinois—that she was only bound to enter the State and expend the two per cent. fund. This, to say the least, Mr. President, is rather unfair towards your State and mine, for subsequently Congress, from time to time, gave additional assurance that the road was to pass through Illinois to the capital of Missouri, and made appropriations for that object. If she never gave such assurance she never fulfilled, even on the basis of the Honorable Secretary's reasoning, any part of her obligation. The general government kept its faith with Indiana and Ohio, as stated in my report, but it never kept its faith with Illinois and Missouri. A sum which the Honorable Secretary states to be \$606,000, was wasted in Illinois, on detached parcels of work, but the road was never finished, indeed hardly commenced, nor did the State ever derive any benefit from it. The reservation of the two per cent. fund was based upon the ground that the road would be constructed. In the enabling act it was "reserved" to construct roads leading to the State. Illinois has never received the benefit of any road, constructed or to be constructed, as contemplated by law. There can be no pretence that she has. Hence Illinois has as strong an equitable claim to-day to that fund as she ever had. I think it would have been nothing more than right for the Honorable Secretary to have stated these facts and made this acknowledgment. I admitted in my report to Governor Yates that something more had been expended in Illinois on the National road than the two per cent., but insisted that as the State had got no road "leading to it," or within her limits, nothing but the valueless remains of an abortive effort to build one, the whole ground for retaining the money had failed. Was I not right?

There was expended upon the road in Ohio about two and a quarter million dollars, five times, at least the amount of her two per cent. fund, and in Indiana about one and a quarter million, nearly three times as much as her two per cent. fund, while the sum of \$606,000 00, mentioned by the Honorable Secretary, only exceeds the two per cent. of Illinois in the comparatively pitiful amount of \$132,000 00. Besides, Ohio and Indiana got those parts of the road within their limits, they being given to them by special acts of Congress, and for many years have had toll-gatherers upon them, and at the bridges, thus deriving a revenue from them, while Illinois obtained nothing of any value. In this state of fact it is *hardly just* to leave the *impression*, as the opinion of the Honorable Secretary will be understood, that Illinois stands upon the same ground in respect to the National road that Ohio and Indiana do. Let me repeat, is it just for a report to find its way into the newspapers from the Interior Department, to furnish evidence of its rigid justice, impartiality and watchful economy! that Illinois stands upon the same footing, in respect to the National road, with Ohio and Indiana? Is it just for Ohio or Indiana to now say to Illinois "you have no equity—no legal rights." "get ye behind me, I know ye not?"

The truth is, that the provisions reserving the two per cent. road fund of the states in the laws appropriating money for the National road—a road that was advocated and supported on the ground it was to be a military road, over which was to be transported men and munitions of war, and was to increase the value of the public lands—are mere bagatelles inserted in the acts to catch the votes of members who did not believe that Congress had the constitutional power to appropriate money out of the National Treasury for any such object. The fallacy of the whole thing is clearly apparent when we remember that nearly seven million of dollars was expended upon that road, and the entire sum was to be replaced out of the two per cent. fund of Ohio, Indiana, Illinois and Missouri, when that fund is less than two million!

There was expended upon the road in Ohio and Indiana alone about two and three-quarter million of dollars more than the entire amount of their two per cent. fund, and very nearly two million more than the entire aggregate of the two per cent. fund of Ohio, Indiana, Illinois and Missouri combined. The two per cent. of Illinois having thus been absorbed by the expenditures in Ohio and Indiana, those states are enjoying the benefit of it, Congress having, as I have already said, given them the portions of the road lying within their respective limits. This is truly a consoling reflection to Illinois! She ought to be grateful that her citizens are taxed by Indiana for traveling over a road which her own money has assisted to construct!

But the Honorable Secretary says Illinois, too, had the work done within her boundaries granted to her by Congress in 1856—a period twenty years after all labor upon it had ceased, and of course up to that period Congress claimed its ownership and control, as is evidenced by the very grant itself. It would have been more proper for him to have said that Congress, by a law of that date, voluntarily proposed to appoint Illinois administrator *de bonis non* upon a few wasted and crumbling embankments, ruined culverts and rotten bridges. The State respectfully declines the office.

In the matter of the two per cent. fund of Missouri, Mr. Tappan, from the Judiciary Committee of the House submitted on the 29th of May, 1858, a printed report. After giving the provision of the enabling act of that State, setting apart the five per cent., and which is similar to the one for Illinois, except that three parts of it were taken by Illinois for educational purposes while Missouri took her three parts for the purpose of improving her internal communications, says:

"That part of the fund which it is contemplated by this article shall be applied by the State to improving its internal communications has been duly paid over by the government of the United States. But the two per cent. received by the United States in trust, to be applied to communications leading to the State have not been so applied. The trust has not, therefore, been duly discharged, and the money which the article recognizes as the property of the State, and to be applied for its benefit, should be accounted for to the State by the government of the United States. The two per cent. fund in question belonged to the State, and the interest of the Federal government was but that of a trustee, and the sole reason for the arrangement was, that as the government of the United States had authority outside of the limits of the

State, which the State did not possess, it could apply that portion of the fund intended to facilitate communication to and from the State and promote its external commerce better than the State itself could do. If the terms of the article itself admitted of any question that this was the nature of the interest of the State in this fund, the original of this provision, which is found in the corresponding article of the 7th section of the act of 20th of April, 1802, 2d Statutes, page 175, entitled "An act to enable the people of the eastern division of the territory north west of the river Ohio, to form a constitution and State government," etc., in which it is expressly admitted that the five per cent. was given to the State as the consideration for the exemption of the lands of the United States within its limits from taxation, would be conclusive on the point. This was certainly a small consideration for the release by the State of a right to tax forty million acres of government lands within its limits, and there is, therefore, the more reason why it should be certainly and fully paid according to the agreement between the parties, or accounted for to the State, if the purpose to which it was to be devoted under the agreement between the parties has been abandoned. That purpose was the construction of a road (the Cumberland road was intended) to the boundary of Missouri, a purpose which has long since been abandoned, and the government should therefore deal with Missouri as it has dealt with Mississippi and Alabama under similar circumstances—direct the two per cent. fund, which was reserved for the purpose thus abandoned, to be paid to the State."

The same reasoning which was applied to Missouri applies with equal force to Illinois. She obtained no road to her border such as was contemplated in the sixth section of the act providing for her admission into the Union! That road was to be a FREE public highway or otherwise it was a mockery for the general government to reserve two per cent. of her money to build it. Congress continued to hold and control the Cumberland or National road as government property until, by its special grants, the respective parts of it lying within the limits of Maryland, Pennsylvania, Virginia, Ohio and Indiana were given to those states; since which they have possessed, enjoyed and controlled them as their own *private property*. *A private turnpike in Indiana, upon which citizens of Illinois are compelled to pay toll, is certainly not such a road as the State was entitled to—not a free road leading to her border.* But as I have heretofore discussed this point, and my arguments not only remain unanswered, but no attempt having been made to answer them, I deem it unnecessary to elucidate it further.

Nor, Mr. President, will I discuss the whole question of the National road further. I have never discussed it except as a matter of contemporaneous history, bearing upon the equitable character of the claim of Illinois. The three per cent. fund granted to the State, in her enabling act, for educational purposes, which has also been discussed by the Honorable Secretary, was in no way involved in the claim I made in behalf of my State for the two per cent., nor have I said anything about or had anything to do with it.

The following conclusions from the premises which I have laid down are inevitable:

First. That your Excellency is authorized to review the decision of your subordinate.

Second. That the character of the refusal of the Commissioner of the General Land Office is such as to make it positively obligatory on your Excellency to see that the law, requiring an account to be stated, of the five per cent. on the public lands and Indian reservations, and the balance due thereon paid, that is the two per cent., is executed.

Third. That the Honorable Secretary has not properly stated his case.

I freely admit the superior ability of the Honorable Secretary, but it is not in his power or that of any other man to overthrow truth, which "is mighty even to the pulling down of strongholds."

It is claimed by some that the opinion of the Honorable Secretary is the ablest ever rendered in the Interior Department. However, this may be, the real and only question before him, he dismissed in ten lines, by simply arriving at the conclusion that Indian reservations were to be treated as lands sold and the per cent. on them included in the accounts of Alabama and Mississippi stated under the law of 1841, and therefore Illinois had no rights under the act of 1857! How strange that this intellectual result should be regarded as conclusive against the claim of my State! All the balance of the opinion is properly extraneous matter.

I have not, I am aware, carried out my premises and arguments to all their logical deductions, for it was wholly unnecessary to do it. All I have aimed at was to place the validity of the claim of my State beyond doubt, and I hope I have accomplished that much. Almost an inexhaustible fountain of reasons, justifying and requiring its payment, I have not explored. Illinois cannot be expected to sit down quietly under an act of injustice. Trouble between the general government and the State, growing out of a refusal of the former to liquidate the amount, which may and I think will spring up between them unless it is settled, ought, by all means, to be avoided. The State has given sufficient evidence of her *earnest* in the prosecution of her demand, and will exhaust every proper means before she yields her rights. But why put her to additional trouble and expense to get them? I am sure your Excellency will not do so. The claim might as well be settled now as at a future day.

Mr. President, I am now through. This is the last application I can make to the Executive Department to execute the laws, for I have reached the original source of power. It is hard, indeed, that a sovereign and loyal state should be forced to fight her way over every inch of ground, encounter every species of hostility and opposition, and meet every kind of embarrassment which talent, state jealousy and ingenuity can invent, when she is only asking for that which is justly her due, upon every consideration, legal and equitable, and which should be granted freely, willingly, without stint, grudging or quibble.

The result, Mr. President, is with *you*. I repeat what I have said before, "it is to *you* the State looks for the fulfillment of her too long delayed rights." It was to *you* the Legislature addressed their memorials. The law and the argument are certainly on the State's side. The power to disregard them, I admit, rests with your ministerial officer, unless you overrule him. Will you suffer the State to be repulsed? Will you turn her away to seek redress from other sources, and forever

shut the doors of Executive justice against her? Will you have no share in the reward of her gratitude? If *you* do not uphold and vindicate her rights, to whom can she look? Whatever may be your determination, I shall bow, as the agent of the State, respectfully to it. I know it is not in your heart to do Illinois an intentional wrong, and I believe you can and will, with firmness, do her justice—that you will take the responsibility of dealing fairly with her. Her people expect it, and will be greatly disappointed if you do not sustain your view of the law, which you admit to be with them, and which the Honorable Interior Secretary has admitted to be with them, and said his assistant thought the case a very strong one for the State. All their hopes are centered in *you*, and now is the propitious moment to give them their rights—if not now they may well ask *when*? The opportunity lost cannot be regained. Now is the time, or *never*. The claim of the State is founded in law and right. No stronger or more just one was ever presented against the National Treasury. Let it be allowed. Let the Executive will speak out and prevail over the will of the subordinate. *Uiat justitia ruat cælum.*

Finally, in conclusion, Mr. President, I would do injustice to my own feelings if I failed to add that I thank you for the courtesy you have uniformly shown me throughout my protracted and troublesome labors in prosecuting the claim of my State—I thank you for your respectful attention to my remarks to day—for the frankness and candor with which you have uniformly treated the interest of Illinois confided to my care, and especially for your decided order to the Interior Department to take up the case and act upon it. It seemed hermetically sealed up there until you opened its prison doors and let it out, thus enabling the State to gain one step in advance, however wrong the decision that was made. It certainly affords good cause for congratulation that the blockade has been removed.

OPINION OF HON. REVERDY JOHNSON.

The preliminary question on the appeal to the President, in the matter of the claim of the State of Illinois, on which he desires an argument, is whether such an appeal can be legally had? The following observations are, therefore, respectfully submitted on the point:

I. On principle.

By the constitution, the entire Executive power of the government is vested in the President, except in such cases as are otherwise specially provided for. The language of the second article is, "*The Executive power shall be vested in a President,*" etc.

The term "*the,*" as here used, clearly means that all such power, with the exceptions referred to, is in the President, and the term "*shall*" means that it is not to be vested in any other branch of the government. It necessarily excludes all other branches.

II. By the third section of the same article, the President is to "commission all the officers of the United States," and "take care that the laws be faithfully executed." The execution of the laws is thus expressly made an executive duty. The President, and no one else, is, in terms, made directly and ultimately responsible for that result—an un-

faithful execution of, or a total failure to execute, the laws by any executive officer holding his appointment under the President, is a wrong to be especially redressed by the President. In no other way, in such a case, can he see that the law violated is faithfully executed. If his subordinate is authorized to act, except in subjection to his authority, it will ever be in the power of the subordinate to render nugatory the constitutional obligation of the President to "take care that the laws be faithfully executed."

In the beginning of the Government it was a question whether the President's power of appointment, with the advice and consent of the Senate, of executive officers, carried with it, as an incident, the power of removal, without the like advice and consent? But because, among other reasons, the constitution made it imperative on the President to have the laws executed, and of course made him responsible if it was not done, and because he could only have them executed through the designated executive officers, it was held as early as 1789, by Congress, that he necessarily possessed the power of removal, (Kent's Com., 308-309,) and this construction has been maintained by every President, and, in more than one instance, recognized by the Supreme Court.

Having, then, the power to remove an executive officer, if such officer refuses, or from any cause neglects, to execute the laws, the President is to remove him and appoint another, since in no other way he can discharge his express duty "to take care that the laws be faithfully executed." It is impossible for him, personally, to execute the laws. Their execution, therefore, by him, or rather his obligation to see that they are executed, is to be through subordinate officers, created for the purpose by Congress, and who, when created, are subject to his superintendence and control, as the constitutional depository of the whole executive power of the Government. If, therefore, a subordinate executive officer fails to carry out a law, the President cannot shelter himself behind such officer from the responsibility imposed upon him, in terms, by the constitution, of seeing that the laws are faithfully executed. If a President were to take that ground, it would seem obvious that he could not maintain it. His subordinates are subject to his power of removal, and are, consequently, subject to his control. Their acts, in contemplation of law, are his acts—their misconduct, if unredressed by him, becomes his misconduct. This principle is alike true of the acts and misconduct of the subordinate officers of the several departments, as of the heads of the departments. Consequently, if a subordinate officer does not perform his duty under the law, it is as much the obligation as the province of the President, to direct him to perform it, and to remove him if he continues to refuse, as it is his duty in such a case, to direct or remove a head of a department. On principle, therefore, irrespective of other authority, it is submitted as clear, that in all cases when an executive officer will not or does not carry out a law, and the fact is made known to the President, it is not only his right but his duty to see that he does it.

III. But on authority, the point is thought to be equally free of doubt. At one period it was the opinion in the Attorney General's office that the accounting officers of the treasury, in the discharge of their duties, were not under the control of the Secretary. That view

was taken by Mr. Wirt, on the 20th October, 1823, (1 Opinions Attorney General, p. 624). The opposite view, by Mr. Berrien, on the 4th December, 1829, (2nd Vol., p. 302). Mr. Wirt's doctrine was held by Mr. Taney on the 5th April, 1832, (Ib. 508,) and Mr. Berrien's by Mr. Crittenden, on the 13th November, 1852, (5th Vol., 630,) and this last has ever since been considered by the office as the true doctrine. Mr. Cushing maintained it, with his usual research and ability, on the 31st August, 1855, (7th Vol., pp. 453-464,) and by a report to the President on the 8th March, 1854, (Senate Ex. Doc., 1st Session, 33d Congress, No. 55). That document is herewith submitted, and the President's attention is particularly called to the following extract from pages 12 and 13. After referring to the several opinions of his predecessors, relating to the question, he says: "On a question raised by the refusal of the Commissioner of Customs to take the direction of the Secretary of the Treasury, Mr. Crittenden elaborately reviewed the whole subject, and determined, by unanswerable argument, the right of the Secretary of the Treasury, in the given case, and, by analogy, that of other heads of departments, in correspondent cases, (Opinion, Nov. 13, 1852.)"

"Meanwhile, if an opinion delivered many years ago, by Mr. Wirt, is now to be received as law, then, although an Auditor, as even he admits, is subject to the direction of the Secretary of War, or the Secretary of the Interior, or some other Secretary, as the case may be, yet such Auditor is wholly above the authority of the President, who, nevertheless, directs the Secretary. Had the idea presented itself as a mere question of the *order* of business, to the effect that the President should act upon the subordinate officers through the heads of departments, it might have answered as a matter of convenience, but not one of legal necessity. But the idea utterly excludes the authority of the President, and so, while recognizing the authority of the head of department, in effect makes the latter also superior to the President, which is in conflict with universally admitted principles. Such an assumed anomaly of relation, therefore, as this idea supposes, resting upon mere opinion, or exposition, must, of course, yield to better reflection, whenever it comes to be a practical question, demanding the reconsideration of an Attorney General."

"Upon the whole, then, heads of departments have a three-fold relation, namely:

"1st. To the President, whose political or confidential ministers they are, to execute his will, or rather to act in his name and by his constitutional authority, in cases in which the President possesses a constitutional or legal discretion."

"2nd. To the law; for the law has directed them to perform certain acts, and when the rights of individuals are dependent on those acts, then, in such cases, a head of department is an officer of the law, and answerable to the laws for his conduct, (*Marbury vs. Madison*, 1 Cranch, 49-61,) and,"

"3d. To Congress, in the conditions contemplated by the Constitution—"

IV. Finally, on the right of appeal.

Mr. Taney, in an opinion given to the Secretary of War, on the 10th of September, 1831, (2d Vol., p. 463,) expressly holds that in the case

of an erroneous decision by an accounting officer, although it is binding upon his own subordinate, the party wronged may carry the matter by appeal to the Secretary, and, if his decision is not satisfactory, that he may also carry it by appeal to the President. His language is, the party may "appeal to the Secretary," and if his decision is not satisfactory, "he may carry his *appeal from the Secretary, &c., before the President.*" This opinion remains, it is believed, the established doctrine of the office, and will be seen to be maintained by Mr. Cushing, on conclusive grounds, in his report just referred to.

Upon the whole, then, upon the meaning of the constitution, considering the question as now for the first time presented, it is submitted as clear,

First, That the President not only may, but is bound to, interfere in every case when a subaltern executive officer does not fulfill his duty under a law; and,

Second, That upon the now recognized rule of the Attorney General's office, the President, in such a case, may be called upon to give the necessary redress by *an appeal* from the decision of a head of a department, where such decision confirms an erroneous one, or fails fully to correct it of one of his own subordinates.

REVERDY JOHNSON,

For the President.

Washington, Sept. 22, 1863.

INDIAN RESERVATIONS IN ILLINOIS, AND THE PER CENT. THEREON.

WASHINGTON CITY, D. C., Aug. 22, 1863.

HON. JAMES M. EDMUNDS, *Commissioner of the General Land Office* :

SIR—Will you please answer the following questions :

First, Are there any Indian reservations in the State of Illinois upon which five per cent. has not been paid by the General Government, and if so, how many acres do they embrace in the aggregate?

Second, Will you state an account of said five per cent. on said reservations, upon application being made therefor in behalf of Illinois, under and by virtue of "An act to settle certain accounts between the United States and the state of Mississippi, and other states, approved March 3d, 1857."

Very respectfully,

I. N. MORRIS,

Agent for Illinois.

GENERAL LAND OFFICE, Sept. 7, 1863.

SIR—In answer to the inquiries in your letter of the 22d ult., this morning received, I have the honor to state:

First, That there are "Indian reservations in the State of Illinois, upon which five per cent. has not been paid," embracing in the aggregate, by *estimate*, seventy-seven sections.

Second, That we are prepared to state an account for the quantity covered by such reservations when application therefor is made.

The quantity first above mentioned is the result of a *hurried cursory* examination, so as to meet your call at once, and will be, of course, lia-

ble to such modification as a more thorough scrutiny of the records may indicate.

Very respectfully, your obedient servant,
J. M. EDMUNDS, *Commissioner*.

Hon. I. N. MORRIS, *Agent for Illinois, Present*.

WASHINGTON, D. C., *Sept. 8, 1863.*

Hon. J. M. EDMUNDS, *Com'r Gen. Land Office*.

SIR—In your letter to me, of yesterday's date, you express your entire readiness to state an account of the five per cent. on Indian reservations in Illinois, upon application being made to that effect. As the Agent of that State, I now respectfully make that application, not waiving, of course, my previous application for the two per cent. on the public lands.

Very respectfully,

I. N. MORRIS.

GENERAL LAND OFFICE, *Sept. 14, 1863.*

SIR—Herewith I inclose a copy of my letter of the 12th instant, to the Secretary of the Interior, inclosing schedule for revision, as a basis of the adjustment of the claim of the State of Illinois to per centage on Indian reserves within the limits of the State.

As the decision in chief was made by the appellate authority, I have deemed it proper that the same authority should enunciate the principle which shall control in the adjustment, and hence have found it necessary to ask the ruling of the department proper in the matter.

With great respect, your obedient servant,
J. M. EDMUNDS, *Commissioner*.

Hon. I. N. MORRIS, *Present*.

WASHINGTON CITY, *Sept. 15th, 1863.*

Hon. J. P. USHER, *Secretary of the Interior :*

SIR—I have this moment received from the Commissioner of the General Land Office a communication, in which he informs me that, on the 12th inst., he referred to you for decision a point involved in my application, in behalf of the State of Illinois, for the payment of five per cent. on the Indian reservations within her limits. Without expressing an opinion on the propriety or impropriety, the legality or illegality of that reference, I have to ask how soon you will act on the matter? I cannot but hope it will be at once. Please inform me on the subject. It will take but a moment to dispose of the question, and as I am anxious to leave for home, I would be greatly gratified and duly thankful for prompt action.

Please let me hear from you to-day, in reply.

Yours, very respectfully,
I. N. MORRIS.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., Sept. 15th, 1863.

SIR—In reply to your letter of this date, I have the honor to inform you that I had, before its receipt, referred to the Commissioner of Indi-

an affairs, the communication from the Commissioner of the General Land Office, to which you allude, with the papers accompanying the same.

That officer requested in his communication that the schedule of Indian reservations in the State of Illinois, therewith transmitted, should "be critically tested by the records of the Indian office, so that, if any of the reserves have been retroceded to the United States, the same may be excluded; or if any omission exists, it may be supplied, in order that this schedule may thus be perfected from, and verified by the records of the office of Indian affairs, and thereafter returned to this office as the basis of an account."

As soon as a report shall have been received from the Indian office, it will be forwarded to the land office, to enable the commissioner to proceed to the adjustment of the account in question; and should the department deem it advisable to comply with his request for instructions in regard to the principle applicable to such adjustment, they will then be communicated to him.

I am, sir, very respectfully, your obedient servant,

WILLIAM T. OTTO,

Assistant Secretary.

Hon. ISAAC N. MORRIS, *Washington, D. C.*

Several other communications passed between myself and the Interior Secretary, Commissioner of the Indian Bureau, General Land Office, &c., in reference to the time of acting on the claim of the State for the per cent. on Indian reservations, and the termination of that action, which I shall not embrace in this report, as they are not material. Under the opinion of the Acting Secretary, which follows, and was reviewed by me, I received for the State, \$1,565 80-100, which amount I reported to your Excellency and to the State Treasurer:

DEPARTMENT OF THE INTERIOR,

Washington, Sept. 25, 1863.

SIR—This Department has received your letter of the 12th instant, inclosing two papers:

First—The application of the 8th instant, of the Hon. I. N. Morris, for an adjustment of the claim of the State of Illinois, under the act of Congress, approved 3d of March, 1857. (Stat., vol. 11, page 200,) for per centage on the Indian reserves lying in that State.

Second—A schedule of the Indian reserves, collected from the township plats of Illinois surveys, and from the Indian reservation records of your office.

You request "that said schedule may be critically tested by the records of the Indian office, so that if any of the reserves have been retroceded to the United States, the same may be excluded, or if any omission exists it may be supplied, in order that this schedule may thus be perfected from, and verified by the records of the office of Indian affairs, and thereafter returned to your office as the basis of an account."

You suggest that a question arises whether the stipulation as to the two per cent., in the third proposition of the enabling act of April 18th,

1818, extends also to the Indian reserves, and upon that point, you request instructions to govern your office in the adjustment of the present claim.

I am directed by the Secretary of the Interior to inform you that on the receipt of your letter and the accompanying papers, they were referred to the Commissioner of Indian Affairs for an examination and early report. They were returned on this day, and I now transmit to you the papers and a copy of the letter of that officer to this department, under date of the 24th inst.

The act of 1857, and one approved March 2d, 1855, entitled, "An act to settle certain accounts between the United States and the State of Alabama," were recently under consideration, and the opinion of the department touching their bearing and effect upon the then pending claim of Illinois, was communicated to you on the 31st ultimo.

The department, upon a renewed examination of the subject, rendered necessary by your letter, adheres to that opinion as furnishing a sound exposition of the acts of Congress relating to the questions which both claims involve.

It was then held:

First—That two-fifths of five per cent. of the net proceeds of the lands lying within the State of Illinois, and sold since January 1st, 1819, had been disbursed by Congress in strict accordance with the compact between the general government and that State.

Second—That Congress had never relinquished its control over said two-fifths, or authorized the payment of the same, or any part thereof, to the State of Illinois.

Third—That Congress, by act approved September 4, 1841, had relinquished to the States of Alabama and Mississippi, the two-fifths of the five per cent. of the net proceeds of the lands lying within their respective limits which had been or should be hereafter sold. The effect of this legislation, and the provisions of the enabling acts of those States, in regard to the remaining three-fifths, was to secure to them five per cent. of the net amount of the sales of such lands.

Fourth—The act of 1855 and 1857 did not give to Alabama and Mississippi an additional per centum upon the proceeds of such sales; but requires the commissioner in the account between the United States and those States to include the reservations under treaties with certain Indian tribes, and estimating the same at the minimum value, to pay to the said States five per centum thereon, *as in case of other sales*.

Fifth—By the second section of the act of 1857, the commissioner was required to state an account between the United States and each of the States upon the same principle, that is to say, upon the principle that for the purpose of an account, lands embraced by permanent Indian reservations should be estimated as so much lands sold at one dollar and twenty-five cents per acre, and to allow and pay to each State such amount as should thus be found due.

At the time of the passage of the act of 1841, the general government had adopted no measures to execute the trust she had assumed in regard to the two per cent. fund of Alabama and Mississippi. It remained in the treasury, and by that act was relinquished to them upon condition that the legislature of each State should first pass an act declaring their

acceptance of said relinquishment in full of said fund, and embracing a provision to be unalterable without the consent of Congress; that the whole of said fund should be faithfully applied to the construction of certain specified work of internal improvement. Mississippi, by an act approved Feb. 6, 1842, (acts of Mississippi for 1842, page 119,) and Alabama, by an act approved Dec. 29, 1841, (acts of Alabama for 1841, page 39,) accepted the relinquishment on the terms and conditions required by Congress. The effect of this legislation was to relieve Congress from the trust, and to impose upon those States, respectively, the application of the fund.

There is obviously no substantial difference in principle between the direct payment to a State of the funds, and the expenditure of it for the purpose stipulated in the compact between the general government and such State. In either case, the lawful appropriation of the fund is a full discharge of the obligation of the general government, and a satisfaction of the claim of the State for the payment of the money, or the due execution of the trust.

The State of Illinois never released the general government from its obligation to appropriate the fund pursuant to the compact which was binding upon them both.

That obligation was fully discharged, and the former opinion cites the acts of Congress specifically providing for the expenditure of \$606,000 within her limits in the construction of the National Road, and making it a charge upon her two per cent. fund. The actual amount so expended, appears, by an official statement from the books of the treasury, to be (\$739,879 99) seven hundred and thirty-nine thousand, eight hundred and seventy-nine dollars and ninety-nine cents.

Regarding then the Indian reservations as so much land sold, it is very evident that the accruing two per cent. therefrom, added to that arising from actual sales, is not sufficient to reimburse the general government.

It is true that the compact has exclusive reference to moneys derived from sales. Reservations are put upon the same footing as sales by the acts relied upon in the support of the claim, and the department is not aware of any legislation requiring or directing any payment to Illinois on account of that fund.

That State is, in the opinion of the Secretary of the Interior, entitled to three per cent. upon the payment of Indian reservations within her limits.

The Secretary deems it proper to say, that the remarks in this and the preceding opinion, in regard to the settlement of accounts upon the terms prescribed by the act of 1857, are not meant to apply to States thereafter admitted into the Union. It is unnecessary to express any opinion as to the right of such States to the benefits of that act, as the question is not before him.

You will be pleased to furnish Mr. Morris, and His Excellency, the Governor of Illinois, with a copy of this opinion.

I am, sir, very respectfully, your obedient servant,

(Signed,)

W. T. OTTO,

Assistant Secretary.

HON. J. M. EDMUNDS,

Commissioner of General Public Land Office :

SUPPLEMENTAL ARGUMENT OF MR. MORRIS, REVIEWING THE OPINION OF THE ACTING SECRETARY OF THE INTERIOR ON THE QUESTION OF THE RIGHT OF ILLINOIS TO FIVE PER CENT. ON HER INDIAN RESERVATIONS.

MR. PRESIDENT:—I mentioned to you, when I presented an argument on Wednesday last, in support of the claim of Illinois to two per cent. on the public lands sold in that State, that I was unable, at that moment, to complete my remarks relating to five per cent. on Indian reservations, for the reason that the question involving that fund had gone before the Secretary of the Interior, and was awaiting his action.

It was not until Saturday evening, the 26th of September inst., that a copy of his opinion was furnished me. I propose now to briefly review it separately, thinking that preferable to interweaving what I have to say about it in my former argument.

The simple question submitted to the honorable Secretary was, whether the State was entitled to three or five per cent. on her Indian reservations. It would seem that that question could have been disposed of in very few words, but the honorable Secretary appears to have availed himself of it to re-argue the whole question of Illinois' rights, which I have insisted upon, and to fortify his former views with such additional observations as suggested themselves to his mind. Especially has he given a summary of what he alleges those views, and his conclusions were.

My application for the payment of the five per cent. to Illinois on her Indian reservations did not go to the Interior Department on my motion or upon an appeal. After it reached there, it was determined in that department that the State was only entitled to three per cent. on those reservations, the balance being retained to cover alleged expenditures on the National Road.

I will not now enter into an argument showing that the Interior Department had no jurisdiction of the question, further than to say that the law of 1857 is *directory* to the Land Commissioner specifically, and not to the Interior Secretary, who has arrested the determination of the former officer, who agreed to state five per cent. as the amount Illinois is entitled to on her Indian reservations. Thus they come in direct conflict with each other; for it will be seen by the correspondence between myself and the honorable Land Commissioner embraced in my former argument, that he did not raise the point that the State is to be charged with anything on account of expenditures on the National Road, nor has he ever raised it, but the honorable Secretary has. In this conflict of opinion involving the whole subject which I have presented, I think your Excellency is bound to interfere, and necessarily settle the whole question. The same principle applies to both, and the settlement of one case must be the settlement of the other.

One point has been distinctly gained by the honorable Secretary's last opinion. He has committed himself to the decision, that Illinois is entitled to three per cent on her Indian reservations, when, according to his assumptions, there is no "land account" to "include" it in as the law requires. He still persists in the idea that the act of 1857 only applies to Indian reservations, and does not embrace anything else. As I have pretty fully discussed that point heretofore, it is not requisite I should enter largely upon it again.

If I could be surprised at any amount of opposition from the Interior Department to the claim of Illinois, I would be astonished at the late opinion of the honorable Secretary. It was evidently gotten up with express reference to throwing additional embarrassment in the way, and influencing your action, Mr. President. You cannot fail, however, to see at a glance that it is more specious than sound, and that the honorable Secretary still obstinately and resolutely persists in refusing to discuss the *law*, except the Indian reservation feature of it. I submit it is not a fair and legitimate use to make of the legislation, to *entirely suppress and keep out of view in his opinion, as he has done, that the five per cent. accounts of Alabama, Mississippi, and other States, were to be first stated under the provisions in their enabling acts, and then the five per cent. on Indian reservations included.*

The Alabama act of 1855, upon which the act of 1857 for the benefit of Mississippi and other States is founded, requires the account of that State to be stated under the sixth section of her enabling act, "for the purpose of ascertaining what sum or sums of money are due to said State, *heretofore unsettled*, under the sixth section of the act of March second, 1819, for the admission of Alabama into the Union." The simple statement of the account was not to be treated as a useless piece of labor, but required the payment of any balance of the five per cent. found due that State. When, however, it was stated, and the five per cent. account on Indian reservations was also stated, it was to be included in the first account and the two accounts became one; then the law required the payment of the whole amount remaining unpaid thereon. Because Alabama was to receive the five per cent. on her Indian reservations "as in case of other sales," which words the honorable Secretary uses and underscores, it does not follow that she was not to receive "the sum or sums of money *heretofore unsettled*," *arising from the sales of the public lands* within her limits under the provision of her enabling act. The title of the Alabama act is, "An act to settle *certain accounts*," (not to settle an account) "between the United States and the State of Alabama," the title of the Mississippi act following this language, and hence, it is clear that the Congressional legislation was designed to cover, as it does, the five per cent. on the public lands, and on the Indian reservations. The same may be said of the first section of the act of 1857, which was to settle the accounts of Mississippi on "the same principles of allowance and settlement," that is, the "principles" of stating both accounts, and then including the latter in the first, and allowing and paying to the said State five per cent. thereon. The act of 1857 was not to state the account of Mississippi on the same "principle" upon which the accounts of Alabama were required to be settled, referring only to one class of lands, but to state her accounts on the "same principles"—using the plural term—thus showing that the word "principles" means, as used in the law, the principle of stating the five per cent. on public lands, and also the principle of including it in the five per cent. on Indian reservations. But the honorable Secretary erroneously construes the word "principles" to mean the "principle" of including the Indian reservation five per cent. account in the land account of Alabama. How can he make the word "principles" apply with any sense or reason in that connection? He dashes off at conclusions with remark-

able facility, without regard to his premises, or without reference to the terms or words of the law.

If Alabama and Mississippi were to receive five per cent. on their Indian reservations, "as in case of other sales," of course it was provided that they were to receive it on "other sales," and on Indian reservations the "same;" and if, by the second section of the act of 1857, other States, as it is provided therein, were to receive it on Indian reservations, they were equally entitled to receive it on their "other sales" the "same." If they were to be settled with on the "same principles," they were to receive the five per cent. on both classes of land "the same." But Congress put the conclusion beyond all doubt that the five per cent. was to be paid on both public lands and Indian reservation to other States, by the emphatic additional words, "*shall allow and pay to each State such amount as shall thus be found due,*" and adding, "*estimating ALL LANDS and permanent reservations at \$1 25 per acre.*"

In the first section of the act it is provided that the Indian reservations are to be estimated at \$1 25 per acre, and in the second section Congress fixes the *same value* on "ALL LANDS," as well as permanent reservations as the *basis* for the computation on *both classes*.

What other result can be deduced than that they meant it should be *allowed and paid on both?*

Again, Mississippi was to have her accounts stated on her public lands, and if any sum or sums of money were found due thereon and unsettled, that is unpaid, they were to be *allowed and paid*.

This is all Illinois asks. She wants her accounts stated, allowed and paid, as were those of Alabama and Mississippi. They received five per cent. on their public lands and Indian reservations, and she asks the United States to settle with her on the "same principles." What principles? The "principles," as the Hon. Secretary has the idea, but rather an ungrammatical way of expressing it, of merging the five per cent. accounts on Indian reservations in some other existing law requiring the payment of the five per cent. on public lands. Oh, no! What principles then? The law says the "principles" of "stating, allowing and paying the accounts." The "other States" were also to have their accounts stated and have a right to their statement under the law if they have not been stated. The statement of a governmental account implies its payment, but the law removes all doubt on this point in the present case, by declaring "it shall be allowed and paid." The law also requires the whole accounts of each of the States embraced in it to be stated on their public lands, and while Alabama and Mississippi were to receive the amounts unsettled, the other States are entitled, by the second section of the act, to have theirs "allowed and paid."

But again, if, as the Hon. Secretary insists, Alabama and Mississippi had their two per cent. provided for by the act of 1841, their five per cent. on Indian reservations was not embraced in that act. He concedes they received that under the acts of 1855 and 1857. If the "other States" are to be settled with on the "same principles," how can he allow and pay to Alabama and Mississippi the *five per cent. on their Indian reservations*, and withhold the *same allowance and payment to Illinois?* How can he pay to Mississippi *five per cent. on her Indian reservations*, and only allow and pay to Illinois *three per cent. under the same act*, on

her Indian reservations, as he has decided shall be done—thus discriminating against my own State, when the law places her on a full and equal footing with Alabama and Mississippi? It is very obvious he cannot legally do it. It is very obvious he has sought to avoid the law to the injury of Illinois, and not to expound and enforce it, and in doing so, his anxiety to escape from the obligations it imposes on him, has led him so far, that he has by his last decision, overthrown by his *act* all his arguments, and stands condemned before the bar of his own reasons. This is ever the result with those who deviate from the plain line of duty and follow a shadow and not a substance. Let me again repeat the proposition upon which my first argument was based and which comprehends all the questions involved in the issue which I make with the Secretary of the Interior. It is this. The act of 1857, in its terms and designs, not only required that the Indian reservations should be given a status similar in character to other public lands, but also that an account should be *stated, allowed and paid, embracing all the public lands within the limits of the State*, and this was a requirement, *positive and peremptory* and *additional* to the new definition given by the statute of the character of the Indian reservations, and to the direction given of the mode of stating them.

The "principles" upon which the accounts were to be stated were not only the inclusion of the Indian reservations, but also the *stating, allowing and paying accounts created by pre-existing provisions in the enabling acts of the several States*; yet the Hon. Secretary still persists in maintaining his right to travel within the circle of Indian reservations, and refuses to overstep their boundary.

Hear him. He says:

"By the second section of the act of 1857, the Commissioner was required to state an account" (mark, he does not say *upon what*;) "between the United States and each of the other States upon the same principle, that is to say, upon the principle that for the purpose of an account, lands embraced by permanent Indian reservations should be estimated as so much lands sold, at one dollar and twenty-five cents per acre, and to allow and pay to such State such amount as should thus be found due."

Not a word is to be found in the language of Hon. Secretary, that the estimation was to be made on "*all lands* and permanent reservations"—not a word that the accounts of the other States were to be stated under the provisions of their enabling acts, or the acts admitting them into the Union. All this is carefully, and evidently designedly, kept out of view. But more. The Hon. Secretary has misquoted the language of the second section of the act of 1857. He says that by that section the Commissioner was required to state an account between the United States and each of the other States upon the same "principle," whereas, the word used in the law is "principles"—a very different word and having a very different signification, as applied in the section to the substantive matter of legislation.

To state "an account" upon the "principle of including the per cent. on Indian reservations in an account of the five per cent. on public lands, is quite a *different* thing to stating "certain accounts" of the other States upon the "same principles" applied to Alabama and Mississippi in allow-

ing and paying to them five per cent. on their public lands and Indian reservations.

The Hon. Secretary is somehow so unfortunate in writing his opinions as to drop the little letter "s."

The re-statement of the first opinion of the Hon. Secretary in his second one, upon the simple question before him, was wholly unnecessary for the guidance of the Land Commissioner in the premises, and was evidently intended for your eye, Mr. President.

The Hon. Secretary affirms that the first position he held was :

"That two-fifths of the five per cent. of the net proceeds of the lands lying within the State of Illinois, has been disbursed by Congress in strict accordance with the compact between the General Government and that State."

This I utterly deny, and challenge the Secretary to the proof. It will not be sufficient for him to say that the amount expended in his own State (Indiana) on the National road, which is now the *private property* of that State, or that the amount wasted upon the National road in Illinois is a legal compliance with the sixth section of the act admitting her into the Union. I have heretofore discussed this point, and will not elaborate it, especially in view of the fact that the Hon. Secretary has not discussed it, and contented himself with simple naked declarations concerning it. The question, however, of expenditures on the National road, as I have heretofore shown, and desire again to impress, has nothing to do with the one I have presented.

Further on in his second opinion, the Hon. Secretary says :

"The State of Illinois never released the General Government from its obligation to appropriate the fund pursuant to the compact which was binding upon them both."

Two inferences are deducible from this language.

First, that the State of Illinois has yet a subsisting demand against the General Government for this fund, which she has never relinquished, as the Hon. Secretary admits, and I thank him for his full, free and frank acknowledgment of the fact. It puts it and the rights of the State beyond all cavil or doubt, and dispenses with any argument to sustain the point. It does more. It overthrows the Hon. Secretary's own reasoning and deductions that the State is not entitled to the money I claim for her. She has never relinquished her right to it, has never obtained it, and it cannot be shown that it has ever been expended in compliance with the sixth section of the act admitting her into the Union. I again thank the Hon. Secretary for his admission. He admits that the compact was binding both on the General Government and the State, and that the State has never released the General Government from the obligation imposed upon her by that compact. Thus the Hon. Secretary has virtually acknowledged the validity of the claim I represent, and that Illinois has always regarded it as valid.

Hence, second, that the General Government is still holden to Illinois for the expenditure of the fund in compliance with the sixth section of the enabling act of that State.

But if we had run the statement back, and connect it with another, with which it has no connection, to-wit: with one that the act of 1841 relinquished the two per cent. to Alabama and Mississippi on conditions

"declaring their acceptance of said relinquishment in full of said fund, and embracing a provision to be unalterable, without the consent of Congress, that the whole of said fund should be applied in the construction of works of internal improvement," still that does not help the Hon. Secretary out of his trouble. There are no restrictions in the acts of 1855 and 1857, such as are found in the act of 1841, imposed upon the States, and it may be, for aught you or I know, Mr. President, that one object Alabama and Mississippi had in procuring the additional legislation of 1855 and 1857, was to get rid of the restrictions imposed upon them by the act of 1841, in regard to the expenditure of their respective amounts. However this may be, it is certain the restrictions were removed, and all the States left free to appropriate their several sums as they might determine best.

I am wearied, Mr. President, with answering such arguments as I have just referred to, and with which the Hon. Secretary's opinions abound, for there is nothing in them, and besides they are inconsistent with themselves.

Immediately following the last words I have quoted from the Hon. Secretary's opinion, is the following: "that obligation was fully discharged" (I have emphatically denied, and I think clearly shown that this is an erroneous conclusion) "and the former opinion cites the acts of Congress specifically providing for the expenditure of \$606,000 within her limits in the construction of the National road. The actual amount so expended appears from the books of the Treasury Department to be (\$739,879 99) seven hundred and thirty-nine thousand eight hundred and seventy-nine dollars and ninety-nine cents.

It thus appears from the Hon. Secretary's statement that \$33,879 99 were expended more than *there was any appropriation to cover!* Will he insist that that amount is properly chargeable to the two per cent. fund of Illinois also?

The most important part of the Hon. Secretary's statement is, however, that the books in the Treasury Department show the expenditure of \$739,879 99, from which the inference will be drawn, in the absence of the facts, that that amount is charged against Illinois' two per cent. fund on those books. Such is not the case, and I cannot make the truth about it more patent than to give the following certificate of the Acting Register of the Treasury:

TREASURY DEPARTMENT, REGISTER'S OFFICE, *Sept.* 26, 1863.

I do hereby certify that there is no account on the books of this office in relation to the two per cent. fund with the State of Illinois. No sum has been credited to said State on account of said fund, nor has there ever been any amount charged against it in this office.

R. SOLGER,
Acting Register.

When the account has not been stated—when nothing has been charged against it in the Treasury Department—when it is remembered that the Interior Secretary cannot act officially upon any business pertaining to the Treasury, and has nothing to do with, or control over it, it is indeed most extraordinary that he should base his official action upon what does pertain to the Treasury Department, more especially

when the books of that department do not show that one dollar has ever been charged by the United States against the two per cent. fund of Illinois.

Let me recapitulate. The Hon. Secretary gives in his last opinion his interpretation of the second section of the act of 1857. He says:

"By the second section of the act the Land Commissioner is required to state an account between the United States and each of the other States upon the same principle, that is to say, upon the principle that for the purpose of an account lands embraced by permanent Indian reservations, should be estimated as so much land sold."

The language is somewhat obscure and ambiguous, but the Hon. Secretary means by it simply this, I suppose, that the other States should be allowed five per cent. on their Indian reservations, and for that purpose the Land Commissioner should state an account with them on that principle—that is, on the principle of allowing them five per cent. on their Indian reservations. This all the Hon. Secretary makes out of the second section. I have already shown that he has misquoted it, and that "principles," not "principle," is the word used. I have also shown that two accounts were to be stated with Alabama and Mississippi, and then merged into one. The other States were to have their accounts stated on the "same principles," that is including the account of the five per cent. on public lands and five per cent. on Indian reservations, and, not merely, as the Hon. Secretary has it, stating an account upon the "principle" of allowing five per cent. on Indian reservations.

It seems to be very generally feared, by those with whom I have talked upon the subject, that the President, being a citizen of the State, will feel too much embarrassed to decide the claim in her favor. As that consideration is unworthy of a great mind, and has no legal bearing upon the question, I am unwilling to believe it will be allowed to enter into its determination.

The truth is, there never should have existed a necessity for taking an appeal to the President, and none ever would have existed, if the case had not unfortunately fallen into the hands of those who control the Interior Department, and from whom Illinois has nothing to expect but bitter and unrelenting hostility. This is true, and I mean to be honest enough to say it. Indeed, a failure to proclaim the fact would be injustice to the State. Of course, the appeal was not held in the Interior Department for six months merely to enable the Secretary to make up his opinion on the law! There was another reason and another motive for the delay, which I intend to speak of at the proper time.

The Commissioner of the General Land Office, for whose integrity I have the highest respect, and whose promptness and fidelity in the discharge of public business is deserving of the greatest commendation, took the right ground in reference to the law of 1857, although I differ with him in the construction of it. His position was that it only applied to Indian reservations, and consequently did not authorize, in his judgment, the payment of the two per cent. on public lands. He never quibbled or raised any question about the expenditures on the National road; but properly comprehended the point that if the law of 1857 embraced the per cent. on public lands, it was folly to interpose the assumption that it had already been paid to the State. If it provided for the

payment of the per cent. on both the Indian reservations and public lands, it followed as clear that one could not be paid without paying the other; because if both objects were embraced in the law, both were equally entitled to be respected. Hence the Land Commissioner declined to state the account of Illinois on the public lands for the reason that, in his judgment, the acts of 1855 and 1857 applied or related exclusively to Indian reservations. He did not abandon that ground and attempt to fortify his position by asserting that the money had been expended years ago for other objects! as was done in the Interior Department, where, if any such fact existed, they had no legal right to take cognizance of it. It was the business of another, and not the Interior Secretary's. It was no concern of his what had or had not been paid out in the Treasury Department. The simple point he was called upon to decide was the one decided by the Land Commissioner, to-wit: do the laws of 1855 and 1857 require the statement of the five per cent. account on public lands as well as on Indian reservations? If they do not it is folly to talk about the amount having already been expended — if they do, the law of 1857 is imperative that it "shall be allowed and paid." This is the only rational view to take of the subject. The Land Commissioner took it, and confined his action to the construction which he gave to the laws, without entering into an extended and laborious exploration of things past, to see if he could not possibly find some extraneous consideration to defeat their operation. That he was wrong in his construction of the statutes, I think I have clearly shown; that he was correct in confining his decision within the terms of the act of 1857 is beyond all doubt. If the Interior Secretary had taken this course there would be less reason to complain. The law of 1857 either does or does not confer upon the State the right to the money I claim for her. If it does confer it that is an end of the matter. If it does not confer that is also an end of it. The State stands by the law and protests against reasons being assigned for disregarding it which rest on no better foundation than the exhumed remains of obsolete enactments.

I repeat, the State's claim must be determined by the law of 1857. If that embraces the per cent. on public lands the United States has no escape from its payment, except in a determination of its ministerial officers not to execute it. Though temporarily defeated I see no cause for despondency. I have a case which the President understands and respects, and will assuredly decide for the State, as he believes the law to be with her, and certainly there can be no doubt about his power to entertain the appeal.

Respectfully submitted,

I. N. MORRIS,

Agent and Attorney for the State.

QUINCY, October, 1863.

ADDITIONAL SUPPLEMENTAL REPORT

ON THE

TWO PER CENT. FUND,

SUBMITTED TO HIS EXCELLENCY,

RICHARD YATES,

GOVERNOR OF THE STATE OF ILLINOIS.

TO HIS EXCELLENCY RICHARD YATES,
Governor of the State of Illinois :

SIR—In October, 1863, I submitted to you a supplemental report on the two per cent. fund, due from the United States to the State of Illinois, for road purposes. The interest which you have uniformly manifested in the subject, encouraged me to persist in pressing the State's demand. I was still further encouraged by my increased conviction of its justice. That the State will eventually obtain the sum due her, I have not a solitary doubt. The right must prevail in the end.

It will be remembered that at the time of the submission of my supplemental report, the cause of the State was still pending before the President, on appeal from the Interior Department. In the early part of December following, I again repaired to Washington, and found the appeal still undecided. I called upon the President soon after, in conjunction with Mr. Washburne, Judge Norton, Mr. Arnold, Mr. Ross, Mr. Knapp and Judge Wm. J. Allen, members of Congress from the State, and we jointly urged upon his Excellency the necessity of action. He received us kindly, and the interview terminated by leaving an encouraging hope. Delay still following, however, the Hon. O. H. Brown- ing and myself, from time to time, urged upon the President to decide the case, and from day to day expected a decision to be rendered. I was therefore somewhat surprised to find it had been referred to the Attorney General, who held it for nearly three months, although the

Hon. O. H. Browning and myself were almost daily importuning him for action, and when he finally delivered his opinion he ante-dated it.

The following correspondence and subjoined documents will show pretty fully what transpired, in regard to the claim I represented, at Washington during my last visit there, which commenced in the fore part of December and did not terminate until April. I trust it will be found I did all it was possible to be done in the premises, and that my course will meet your approval and the approval of the Legislature and people of the State, whose interest I have labored to promote to the best of my ability, through a protracted controversy.

WASHINGTON CITY, *Dec. 31, 1863.*

Hon. J. M. EDMUNDS, *Com'r Gen. Land Office.*

SIR—Will you oblige the State of Illinois by furnishing to me, as her agent, a statement of the gross amount of two per cent. of the net proceeds arising from the sales of the public lands, made within her limits since January 1st, 1819, after deducting all expenses incident to the same; and in doing so please specify particularly the amount of said per cent. which thus accumulated *after* Congress had ceased to make further appropriations for the construction of the National or Cumberland road.

I remain very sincerely and truly your friend,
I. N. MORRIS.

GENERAL LAND OFFICE, *Jan. 5, 1864.*

Hon. I. N. MORRIS, *Present.*

SIR—I have the honor to acknowledge the receipt of your letter of the 31st ult., requesting a statement of the gross amount of two per cent. of the net proceeds arising from the sales of public lands in Illinois, since first January, 1819, after deducting all expenses incident to the same; also, to specify the amount which had accumulated after Congress ceased to make appropriations for the National or Cumberland road.

In reply I have to state that the *gross* amount received for lands sold from that date to May 25th, 1838, was \$11,064,594 03; from that date to Dec. 31, 1860, the receipts since 1860 not warranting an adjustment, was \$13,794,574 20; total, \$24,859,168 23. To which should be added the sum of \$52,193 24, the estimated value of lands reserved under treaties with certain Indian tribes—making an aggregate of \$24,911,361 57. The expenses incident to the same can only be obtained from the books in the office of the Register of the Treasury, where the net receipts may be shown, the data in that respect not appearing in our records of adjustment.

Very respectfully, your obedient servant,
J. M. EDMUNDS, *Commissioner.*

WASHINGTON, Jan. 6, 1864.

TO HIS EXCELLENCY, A. LINCOLN, *President of the United States* :

SIR—I beg leave to submit a few additional considerations, in connection with the claim of Illinois to the two per cent. fund, arising from the net proceeds of the sales of the public lands within her limits.

The State had, undoubtedly, a right to know, from the Interior Department, upon what ground it rejected her demand. If the law, approved March 3d, 1857, for the settlement of certain accounts between the United States and the state of Mississippi, and other states, only applies to Indian reservations, then that Department should have rested its objection upon it. If, however that act is not to be regarded as a bar to the right claimed by my State, and the acts making appropriations to the National road are insisted on as such a compliance with the terms of the compact between the United States and Illinois, as to cut off the right of that State to the money claimed to be due her, *that* ought to be assigned as the reason for withholding it. If the Honorable Assistant Secretary had assumed, exclusively, one position or the other, as he was bound to do from the character of the legislation, his opinion would have been more consonant with established legal rules, and less disingenuous. Had he fixed upon some definite and positive enactment as a basis for, and in justification of, his opinion, it would have been much wiser and safer than to have relied on vagrant authority.

As to your power to hear and determine the case, I think there can be no doubt. In a constitutional sense, it was pending before you from the moment I made the application for the money on behalf of the State, in the General Land Office, so that the formal appeal was a work of mere supererogation.

By the constitution you are made the Executive to execute the laws. By that same instrument you are made Commander-in-Chief of the army and navy. By virtue of your authority as such commander, you can reverse the orders, decrees and proclamations of your inferior military officers, and during the present rebellion have exercised that power. It would seem clear, therefore, from analogy and parity of reasoning, to say nothing further upon the subject, that you have the right, as the Executive, to reverse and annul, or overrule, the opinions and decisions of your ministerial executive officers. The same provision of the constitution which confers upon you the powers of a Commander-in-Chief, also declares you "may require the opinion, in writing, of the principle officer in each of the executive departments, upon any subject relating to the duties of their respective offices," but it does not declare, nor does the constitution anywhere declare or provide, you shall be bound by such opinion. Its character is purely *advisory*, and was not intended to interfere with or obstruct your duty to take care that the laws be faithfully executed. That duty and that power the constitution invests complete and entire in yourself. It not only invests it there, but it imposes a positive injunction on you to perform it. It is an executive and not a judicial duty.

The question of the President's constitutional power and duty, in cases where his subordinate executive officers refuse or neglect to exe-

cute the laws, or perform their duty under them, was elaborately and ably discussed, by Chief Justice Taney, when Attorney General, in his opinion rendered to the Secretary of State on the 28th of December, 1831, on the libel case then pending before the District Court of New York, involving the alleged forfeiture to the United States, under our revenue laws, of the stolen jewels of the Princess of Orange. To this opinion you have not heretofore been referred, and I beg leave to direct your attention to it. See Gilpin's *Opinions of the Attorney Generals*, pages 853-860.

The jewels were of very great value—were stolen and brought to this country without the consent of the owner—were libelled by the District Attorney of the United States, and as soon as they were known to be here they were demanded by the minister of the King of the Netherlands, acting under the direction of his Government, as the property of the Princess, who was one of the family of the King. The District Attorney declined to discontinue the proceeding against them, and the question arose as to the power of the President to direct him to do it. For convenience, I will give some extracts from Mr. Taney's opinion, although I have referred you to it as a whole. He says:

"The main question, and the only one about which there seems to be much difficulty is, whether the President may lawfully direct the District Attorney to discontinue the libel now pending against these jewels in the district court of New York. The libel is in the name of the United States: it was filed by their attorney in their behalf, and claims to have the property condemned as forfeited to the United States for an offense alleged to have been committed against their revenue laws.

"Assuming that the District Attorney possesses the power to discontinue a prosecution, the next inquiry is, can the President lawfully direct him, in such a case, to do so? And this, I understand, is the chief point of difficulty.

"I think the President does possess the power. The interests of the country, and the purposes of justice manifestly require that he should possess it, and its existence is necessarily implied by the duties imposed upon him in that clause of the constitution before referred to, which enjoins him to take care that the laws be faithfully executed. Cases readily suggest themselves which show the necessity of such a power to enable him to discharge this duty.

"Suppose a foreign ship with public stores on board is taken possession of by a mutinous crew and brought to the United States, that the stores are seized by the collector and libelled for a breach of the revenue laws, and pending the libel the foreign Sovereign demands them of the Executive of the United States, and there is no other claimant of the property, may not the President order the prosecution to cease and the stores to be delivered up? Or must the United States prosecute, by its officer, a claim which it knows to be unfounded, against the property of a foreign and friendly nation.

"Indeed, a case might readily be imagined in which justice to an individual would equally require the existence of the power and its exercise by the President. For, suppose a merchant ship bound from one foreign port to another, is piratically seized upon by the crew, and brought into the United States, and the goods of the merchant are seized for a breach

of our revenue laws, on a libel filed against them, and suppose the officer continue the prosecution after these facts are made known to the government; if the President was satisfied that such a prosecution was not a faithful execution of the laws, but unjust and oppressive to the innocent merchant, would he not have a right to order the prosecution to be discontinued.

"If it should be said that the District Attorney having the power to discontinue the prosecution, there is no necessity for inferring a right in the President to direct him to exercise it. I answer, that the direction of the President is not required to communicate any new authority to the District Attorney, but to direct him, or aid him in the execution of the power he is admitted to possess. It might, indeed, happen that the District Attorney was prosecuting a suit in the name of the United States against their interest and against justice, and for the purpose of oppressing an individual. Such a prosecution would not be a faithful execution of the law, and upon the President being satisfied that the forms of law were abused for such a purpose, and being bound to take care that the laws were faithfully executed, it would be his duty to take measures to correct the procedure, and the most natural and proper manner to accomplish that object would be to order the District Attorney to discontinue the prosecution. The District Attorney might refuse to obey the President's order, and if he should refuse, the prosecution, while he remained in office, would still go on, because the President could give no order to the court or the clerk to make any particular entry. He would only act through his subordinate officer, the District Attorney, who is responsible to him, and who holds his office at his pleasure. And if that officer still continued a prosecution which the President was satisfied ought to be discontinued, the removal of the disobedient officer, and the substitution of one more worthy in his place, would enable the President, through him, faithfully to execute the law. And it is for this, among other reasons, that the power of removing the District Attorney resides in the President.

"Upon the whole, I consider the District Attorney as under the control and direction of the President, in the institution and prosecution of suits in the name of the United States; and that it is within the legitimate power of the President to direct him to institute or discontinue a pending suit, and to point out to him his duty, whenever the interest of the United States is directly or indirectly concerned. And I find, on examination, that the practice of the government has conformed to this opinion, and that, in many instances, when the interposition of the Executive was asked for, the case has been referred to the Attorney General, and, in every case, the right to interfere and direct the District Attorney is assumed or asserted.

"It may be said that these cases were not prosecutions for forfeitures incurred by a breach of the revenue laws, and that the authority to remit for a violation of the revenue laws being given to the Secretary of the Treasury, it cannot afterwards be exercised by the President. In reply to this, I answer: First, that the case upon which the President is requested now to act, is not one given to the Secretary. He is authorized to act where a forfeiture has been actually incurred—where an offense against the laws is admitted or proved. But the case presented to the

President, if successfully made out, is one in which no offense has been committed, and no forfeiture has been incurred. And if it be shown to be one of this character, then it is not given to the Secretary of the Treasury, and he has no power over it. In the second place, if this case were clearly embraced in the powers given to the Treasury Department, it would not and could not deprive the President of the powers which belong to him under the constitution. The power conferred on the Secretary by the law of Congress, would be merely in aid of the President, and to lighten the labors of his office. It could not restrain the limits of his constitutional power."

I suppose no one will doubt but that the President has the same power over the positions and acts of his cabinet officers, and the Commissioner of the General Land Office, that he has over the positions and acts of the district attorneys. They are but his clerks, subject to his direction, and if either of them fail to execute a law, they, being but the creatures of his will, it is his duty to see that they do it.

I submit, therefore, that the authority I have just quoted, and those equally high, heretofore cited, should be regarded as of more weight than the opinion of the honorable Assistant Secretary, who declined, upon my praying an appeal to you, to "send up the papers," assuming the ground, in doing so, that his opinion was final and conclusive—that, although you might differ from him in the construction of the law, still you had no right to direct him to execute it—that "Not discovering," (to use the language in his letter to me,) "from the attention that I have been able to bestow upon the subject that an appeal lies in such a case, from the decision of the department, I shall await the order of the President in the premises"—that you had no power or right, in his opinion—for that is the meaning of it—to look at the papers; no right to inquire whether justice had been done to Illinois, whether the law had been executed; no right to give an opinion contrary to his; no right to question his act, thus, in effect, saying "I am greater than thou." This theory and exposition of our political organization seems to have been unknown to our earlier statesmen, and has, for the first time in our history, been seriously urged by a subordinate ministerial officer, in defense of his own act and assumed superiority.

If this new reading of the constitution should become the settled doctrine of the executive department, and be regarded as a sound legal interpretation of that instrument, I readily admit that my State is without executive remedy, and that she has heretofore totally misapprehended constitutional law. She has relied upon older authorities, but it may be that the honorable Assistant Secretary has successfully overthrown them, and given a direction to the government different from that it has heretofore pursued. It is, indeed, certain that if you have no authority to look into the act of your subordinates; no authority to inquire whether, in the case of Illinois, the law has been executed, you have no power over the Interior Department—no, not even a supervisory power—no right to inquire whether it has executed the laws, although the constitution provides you shall "take care" that they are executed; and thus the departments are exalted over the Executive, and a vital blow is struck at the supremacy of the constitution.

I cannot believe that your Excellency will understand the subject as

the honorable Assistant Secretary does, or will so act upon it. In your letter to me, speaking of the case of the State, when, in the Interior Department, you say :

"When he (meaning the Interior Secretary) shall have acted, if his action is not satisfactory, there may, or may not, be an appeal to me. It is a point I have not examined ; but if it then be shown that the law gives such appeal, I shall not hesitate to entertain it when presented."

I trust it is not too much for me to say it has been shown you have that power ; that unless you possessed it, your dignity and office would subordinate below the dignity and offices of the creatures of your own will or appointments. Such being a constitutional impossibility and understanding that, so far as the case of Illinois is concerned, the real and only question involved therein is, your power to hear and pass upon her rights, I rest under the confident expectation they will be upheld, and your authority vindicated.

There are some things in this connection that I ought to say in justice to my State, but which I will omit. I have endeavored to confine myself, as far as possible, to the great issue presented, and permit outside pressure and influence, which has been brought to bear against the State, from a certain quarter, to pass by, at least for the present, unnoticed. They are as detrimental to those engaged in producing them, as they are injurious to Illinois, who has so nobly stood by every duty required of her, and promptly responded to every call upon her patriotism. If she is to be denied by the general government her plainest and simplest rights, she must feel her inferiority among the sisterhood of States, and grow more or less indifferent to a government that treats her unjustly.

But if the constitutional requirement is disregarded or set aside, and the legislation of Congress is relied on, that would seem to be equally clear in the case of Illinois, pending before you, as it has grown out of and relates to the public lands. The first section of an act (see U. S. statutes, vol. 5, p. 107-8,) entitled "An act to organize the General Land Office," approved July 4th 1836, is as follows :

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act, the executive duties now prescribed, or which may hereafter be prescribed by law, appertaining to the survey and sale of the public lands in the United States, or in anywise respecting such public lands, and also such as relate to private claims of land, and the issuing of patents for all grants of land under authority of the government of the United States, shall be subject to the supervision and control of the Commissioner of the General Land Office, under the direction of the President of the United States."

This statute is merely declaratory of the President's constitutional duty and power.

Upon one point your Excellency is laboring under a misapprehension. In your letter to me, under date of the 26th of August last, among other things you say :

"Now, my understanding, is, that the law has not assigned me, specifically, any duty in the case, but has assigned it to the Secretary of the Interior."

The law, as you will see by again referring to it, has not assigned to

the Interior Secretary any duty, but assigned it to the Commissioner of the General Land Office. All the power the secretary had, was to decide the appeal upon *the record sent up*, which he did not do. The acts of the Land Commissioner "in anywise respecting public lands," are placed by the law directly under your supervision. But the constitutional duty of directing the execution of the laws rises to a higher dignity than the command of a Congressional statute. There is one point under which I have been laboring under some misapprehension, though it has been against and not for the State. I supposed, from information which I received, that Missouri had applied for the payment of her two per cent. under the act of 1857, upon which I rely, as supporting the claim of Illinois, and that her representatives in Congress had only resorted to the passage of a special act, providing for its payment, to avoid the objections of reluctant governmental officers. Such seems not to be the case. With a view of ascertaining the facts in regard to the matter, and why Missouri did not rely upon the legislation of 1855 and 1857, instead of asking for and obtaining a special act for her relief, I addressed the Hon. James S. Green, formerly a United States Senator from Missouri, a letter, and beg leave respectfully to transmit herewith a copy of his reply, to which I ask your special attention, as it not only states the reasons why the special act for Missouri was passed, but contains also a brief, yet exceedingly lucid exposition of the laws upon which rest the claim of Illinois. I have no doubt but that if my State had the benefit of a special act she would be resisted in the departments, as was Missouri, after she obtained her act, since the plainest duty required by the act of 1857 towards her, to state her account that she may know how it stands, even if the payment of the sum due is thereafter denied, has been totally disregarded, and the law set at open defiance.

As to the per cent. on Indian reservations, it would be hard to conceive of or find a reason to justify the assumption that when Congress passed the acts of 1855 and 1857, it contemplated or even dreamed of appropriations made for the construction of the National road, ranging in their date from more than a half to a quarter of a century before, being applied as an offset by the government to that per cent. The same is equally true of the per cent. on the public lands. One class of legislation has no reference to the other, but each is complete and independent in itself. If Congress had intended the offset, it would have so provided, and failing to make the provision, it cannot be supplied by a ministerial officer. This doctrine would seem to be a settled rule of construction, and has been so held in the Attorney General's Office. See Mr. Wirt's opinion in "Gilpin's Opinions of the Attorney Generals," pages 1385-6-7, wherein he determined, as early as 1818, that Congress having failed to insert, in express terms, in an act making an appropriation for the completion of contracts on the National road, a provision that the sum appropriated should be reimbursed to the treasury out of the two per cent. land fund of Ohio, it could not properly or rightfully be charged to that fund. The conclusion would hence seem irresistible that if the government could not charge the appropriation referred to by Mr. Wirt, to the two per cent. fund of Ohio, it has as little right to offset the sum expended on the National road, in Illinois, against the

appropriation of her two per cent. embraced in and covered by the acts of 1855 and 1857, which declare it shall be "stated, allowed and paid," and in which there is no provision for or even intimation of such offset. If any right to make it ever existed, which I affirm is not the case, that right was released or relinquished by the subsequent legislation referred to. Where is the provision which authorizes the expenditures on the National road to be charged against the two per cent. on the Indian reservations in Illinois? Where is the provision which authorizes such a charge to be made against the two per cent. land fund of that State? There is no such legislation, and no reference to it in the acts of 1855 and 1857, nor can they be tortured into any such construction. So plain are their provisions, so direct and mandatory, that the Honorable Assistant Secretary did not venture upon such an experiment. In the absence, then, of any such legislation or provision, the opinion of Mr. Wirt is conclusive that the expenditures on the National road cannot be legally or justly charged against the claim of Illinois. By the acts referred to the appropriation is absolute and unconditional, and the rights of the State cannot be defeated, except by a total disregard of them.

In other words, the opinion expressed by Attorney General Wirt is, in effect, that as the act for the appropriation of money towards the building of the National road did not say that the sum appropriated was to be re-imbursed to the treasury out of the five per cent. land fund, created by the compact between the United States and the State of Ohio, that appropriation must be regarded as an independent gift or grant, and the executive officers of the United States could not make the five per cent. fund liable for such additional and independent appropriation. So the acts of 1855 and 1857 are to be regarded as independent of, and having no relation to the appropriations to the National road. And as they contain no terms relative to an offset, re-payment, or re-imbusement out of any such fund, of the sum required to be "stated, allowed and paid," the executive officers have no authority to subject such fund to any such liability. Congress, when passing the acts of 1855 and 1857, was legislating upon the five per cent. arising from the sales of the public lands, and providing for the inclusion therein of the five per cent. on Indian reservations, and in nowise in regard to the expenditures on the National road. This conclusion is so clear and so inevitable, both from the laws themselves and the history of their passage, that all doubt on the point is effectually and entirely removed.

Every statute which contains no terms connecting it with another, must necessarily be construed by itself. The only connection the laws of 1855 and 1857 has, is with the provision setting apart the five per cent. fund embraced in the enabling acts of the states to which they refer. They embrace appropriations covering that object, and the five per cent. on Indian reservations and nothing more, and they do this without limitation or conditions.

There is a partial view of the question which I have not separately presented, for the reason I desired to present it as a whole. I will mention it now, however, for your reflection, without discussing it. The Assistant Interior Secretary pleads the law making appropriations to the National road in bar of the claim of Illinois. A large amount

(and I have taken steps to ascertain definitely what it is) of the two per cent. road fund belonging to the State, accumulated in the treasury, from lands sold, *after* all appropriations for the Cumberland Road had ceased. Is not the State at least entitled to the amount which thus came into the treasury? I do not raise the point with a view of yielding any part of the claim, but as suggestive of the legal impossibility of the appropriations referred to being applied as an offset to a subsequently accumulated fund.

The first act making an appropriation to the National road was approved March 29, 1806, and the last was approved May 25, 1838. (See abstract of United States Statutes at large, pages 357-8.) The State was not admitted into the Union until April 18, 1818, and if her two per cent. fund is to be charged with expenditures on account of the National road, those made before her admission cannot certainly be set down against it, and yet there would seem to be as much propriety in making such a charge as the one before mentioned.

But I have heretofore shown the want of authority in the officers of the government to make the charge referred to as a whole, against the State, especially in view of the acts of 1855 and 1857, and it would be out of place to duplicate that argument in this communication. It is, however, proper for me to say, in view of the fund which accumulated, after appropriations for the National road had ceased, that Congress was to "disburse" it "in making roads leading to the State." How could such "disbursement" be made when there was no such fund, and the lands had not even been sold. In my judgment, there can be no other legal interpretation of the sixth section of the act admitting Illinois into the Union, but that the money was to be "disbursed" as it accumulated, or thereafter. The word "disburse" means to "pay out, to expend, to spend." How could that be paid out, expended, or spent, which had no existence? It was evidently intended, from the language used in the section just mentioned, that Congress should not and could not, without the consent of the State, make a wasteful expenditure of the money, as it did, or it would be more proper to say a wasteful expenditure of the money of the government, and then have its officers to claim, in the face of an act recognizing her right to it, that the treasury was to be reimbursed out of it. The language of the sixth section pre-supposes the existence of the fund before its distribution, and any anterior use of it, I insist, was unauthorized by the compact between the United States and the State of Illinois, and in palpable violation of her rights. Her representatives in Congress would be continually increasing, and new interests might arise which would give a different direction to an accumulated fund, to that which it might take when anticipated. The State, too, as she advanced in population and representation, would be better able to protect her rights. However, I have said I would not discuss this point, nor will I. I have thrown out but a few suggestions upon it, which I think are sound and well taken.

Having now, as I trust, performed my duty to the Governor, Legislature and people of my State, and said this much in addition to what I before have said, I hope to stand vindicated in their judgment, and have respectfully to inquire how soon it will be convenient for your Excellency to dispose of the cause of the State. I am fully sensible of

the great and important duties pressing upon you, and although the interest of Illinois is of vital moment to her, I will not unduly urge it to the detriment of your Excellency's convenience in other more pressing matters.

The result is, of course, with you. The authorities would seem to be sufficient on the legal points. No one has ever questioned the equity of the claim. I assume that I fully appreciate what some may suppose to be the delicacy of your position, being a citizen of the State, but that consideration constitutes no reason why justice should be withheld from her, nor will it influence a great mind like your own.

I have the honor, Mr. President, to subscribe myself, your obliged and humble servant,

I. N. MORRIS.

WASHINGTON CITY, *January 21, 1864.*

HON. EDWARD BATES, *Attorney General of the United States :*

SIR:—I have been unofficially informed, but I do not question the correctness of the information, that his Excellency, the President of the United States, has referred to you, for legal determination, the question of his power to direct the Commissioner of the General Land Office to execute the law of the third of March, 1857, passed for the benefit of Mississippi and other States, in pursuance of my application on behalf of the State of Illinois, for the recognition and enforcement of her rights under said act.

As the claim which I presented for my State has been pending since December, 1857, and which, during the past year, I have been prosecuting under the authority of the Governor and Legislature thereof, is one of no ordinary interest and importance to the people of Illinois, you would confer a great favor upon them if you would, at an early period, render your opinion upon the point referred by his Excellency to you.

I presume, sir, you have been placed in possession of my original and supplementary report to the Governor of my State, relating to the matter of the claim, and of my communication to the President on the same subject, under date of the 6th instant, which was accompanied by a letter addressed to me, by the Hon. James S. Green, in which the statement of facts therein contained and the legal deductions therein drawn, were indorsed and concurred in by the Hon. Frank P. Blair, in a written communication to me made on yesterday.

The latter managed the claim of Missouri in the House of Representatives, and the former in the Senate.

But as the *single* point of the President's *power* to act in the case of Illinois, now pending before him, has been referred to you for your opinion thereon, you will find, if you desire to consult them, my arguments in support of said power in my reviews of the Hon. Assistant Secretary's opinions, all of which reviews and opinions are contained in my supplemental report, and in my letter to the President of the 6th instant. You will also find the arguments of the Hon. Reverdy Johnson, in support of said power, in his opinion published in said supplemental report.

I am fully sensible I have not the right to appear before you, under the rules of your office, in support of my view of the question you have been called upon to determine, and I have neither a desire or wish to interfere with those rules; yet I suppose it will not be improper for me to refer you to the case of *McFadon vs. the Exchange*, (7 Cranch, 116,) in which the President "directed the Attorney General and the district attorney in the discharge of their official duties, and they obeyed his direction. He and they acted on the principle that the President had a *right to point out to them* the manner in which their different duties were to be performed."

Again invoking your early action in behalf of my State, which has been long delayed, I remain

Yours, very sincerely,

I. N. MORRIS,

Agent and Attorney for Illinois.

WASHINGTON CITY, January 28, 1864.

TO HIS EXCELLENCY, ABRAHAM LINCOLN,

President of the United States :

SIR:—Some three weeks ago you referred to the Attorney General a single point in the case of Illinois, for his opinion thereon. It was, I understand, as to your jurisdiction.

A few days ago I saw Judge Bates and had a conversation with him on the subject. In that conversation I spoke of the long delay Illinois had been subjected to, and respectfully desired to know how soon his opinion would be rendered. To this inquiry he made no definite answer. I then asked him if he would furnish me a copy of his opinion, when it was ready, saying, that I supposed it would not be improper for me, as agent and attorney of the State, to examine it, especially as it would be a public document. His answer to this was, that he could not furnish copies of his opinions without asking Congress to allow him additional clerks. I can, therefore, only anticipate from his remarks, which were frank, what his conclusion will be, and in doing so, I beg to assure your Excellency that I have no intention or desire to intrude upon the established usages of the Executive Department. My only object is to do justice to my State, and that much I think I ought to do. I shall, however, be very brief in what I have to say.

The Attorney General, if I rightly comprehend his views, will hold that the account of Illinois must be stated under the law of 1857—that you have the power and it is your duty to order its statement, but that you have no power to direct the *mode* or *manner* of its statement. This seems to me to be a curtailment of the executive duty "to take care that the laws be faithfully executed," unwarranted by the constitution. I admit that you are no judicial officer, no court, no accounting officer, but insist that you are clothed with all the attributes of executive authority, necessary to the enforcement of the laws, directory to yourself, or the creatures of your own appointment, who are but the *conveniences* of the Executive Department of the government.

While you are not an accounting officer, or a secretary, or a land commissioner, it does not follow that you have no power to look into the

manner in which these functionaries discharge their respective duties. I admit you cannot perform all the duties yourself, of the various executive departments, and that it was not contemplated, in the organization of the government, you should ; still this does not interfere with the constitutional obligation resting upon you to see that the laws are executed, when it is made known to you that they have not been.

Comparatively but few such cases arise in the course of an administration, and it is in just such cases that the President is required to interfere. The provision of the constitution that "the President shall take care that the laws be executed" is broad, and covers all acts coming within the jurisdiction of the Executive Department ; and evidently contemplates cases where subordinates might refuse to execute the laws. The responsibility, therefore, of their execution was, by the constitution, thrown upon the President, in whom is invested this attribute of executive sovereignty.

Attorney General Cushing, in his elaborate opinion on the relation of the President to the Executive Department, (see opinions of the Attorney General, vol. 7th, pages 464, 469, 470,) says :

"In speaking of the subordination of the departments to the President, we are to understand, of course, that the several executive bureaus are included, for they are themselves subordinate to the departments under the supervision of which they are placed respectively, whether by statute or by order of the President."

Again :

"Take now the converse form of legislation, that common or most ordinary style, in which an executive act is, by law, required to be performed by a given head of department. I think here the general rule to be as already stated, that the head of department *is subject to the direction of the President*. I hold that *no head of department can lawfully perform an official act against the will of the President ; and that will is, by the constitution, to govern the performance of all such acts*. If it were not thus, Congress might by statute so divide and transfer the executive power as utterly to subvert the government, and to change it into a parliamentary despotism, like that of Venice or Great Britain, with a nominal executive chief, utterly powerless, whether under the name of Doge, or King, or President, would then be of little account, so far as regards the question of the maintenance of the constitution."

If you have the power to direct the Land Commissioner to state the account of Illinois under the act of 1857, it would seem to be clear that you have an equal power to direct him *how* to state it. For the reason that if the Land Commissioner, in stating it, does not state it in compliance with the law, as you may understand it, it is as much an effectual violation of the law as if he refused to state it all. A wrongful statement of it would be no legal statement, but a statement in opposition to, and in derogation of the law, and then the law would not be executed. The power to direct the statement of the account necessarily carries with it the incident to that power. Under such a state of fact would it not be your duty to see that the law was executed ? The doctrine I have laid down, but do not intend to elaborate upon, was held by Mr. Whittlesey, one of the safest and ablest Comptrollers of the Treasury the government ever had, when passing the Galphin claim for interest. In that

instance he was directed by his superior officer *how* to execute his duty, and he passed the claim as an "*administrative act*," and not his own. Numerous other cases, of a similar character, could be cited, but I will not trouble your Excellency with but one more. I refer to that of *McFadon vs. the Exchange*, (7 Cranch, 116,) in which the President "directed the Attorney General and district attorney in the discharge of their official duties, and they obeyed his direction. He and they acted on the principle that the President had a right to point out to them the MANNER in which their different duties were to be performed."

To direct the performance of an act and refuse or neglect to direct the *manner* of its performance, is to leave undone the important part of the direction. Almost every day officers in the field are directed by the Commander-in-chief, or his Secretary of War, acting under his direction, *how* and in what *particular manner* to perform their duties.

If, for instance, an accounting officer of the treasury had refused to pass a part of an account, arising under an act of Congress, say the act for compensating owners in the District of Columbia for manumitted slaves, upon the ground that too much had been paid for particular ones, or upon some other frivolous pretext, that would have been a *mode* or *manner* of discharging his duty which would not have been, and very properly too, long tolerated.

The doctrine I believe to be too well settled to require discussion, that a law which is mandatory or directory to a member of the Executive Department, imposes upon the President an obligation equally binding "to take care that it be executed," as if it were particularly mandatory or directory to himself. If it were not thus, inferior officers, not accountable to the people, could abrogate the legislative will, block the wheels of the executive power, and we would have a thousand Presidents instead of one.

A simple direction to the Land Commissioner to state the account of Illinois would virtually be a direction to him to disallow her claims, if the ruling of the Interior Department should be adopted and followed.

If every thing is to be done but to pay the State the money she claims, and her hope of receiving that is to turn to ashes on her lips, if she is to be delayed for years, and then the government is to escape from the payment of her demand, because of what I humbly conceive to be a mistaken rule of construction which the Attorney General will put upon the *executive* powers of the President, subordinating them below the powers of a mere accounting officer, she will have labored to little purpose in establishing her rights. If a *mandamus* would lie against an officer of the United States there might be less reason to call for Presidential interposition.

I hope Illinois is not to be turned back to a result which I have, from the first, admitted to exist if the appropriations for the National road are to be charged against her two per cent. fund. She would not have, however, a fear of the result of her application in the hands of any governmental officer, if she had confidence to believe he would, as she knows your legal mind will lead you to do, apply the principles of construction laid down by the Supreme Court of the United States (see 2d Cranch) in the case of the United States *vs. Fisher*, in which the court say :

"It is undoubtedly a well established principle in the exposition of statutes that every part is to be considered and the intention of the legislature extracted from the whole."

Again:

"When the intent is plain, nothing is left to construction. Where the mind labors to discover the design of the legislature, it seizes everything from which aid can be derived; and in such case the title claims a degree of notice and will have its due share of consideration."

I shall not be able to see the opinion of the Attorney General before you will act upon it, and in all probability not before it shall appear in a printed volume. I beg you to consider that fact as a justification of this communication.

Although not strictly within the scope or object of this letter, allow me to say, that I have, within a few days, received from the Hon. Frank P. Blair, after mature deliberation and examination on his part, a written communication, in which he sustains the facts and *legal deductions* contained in the letter of Hon. James S. Green, a copy of which I sent you.

I have also received a certificate from the Hon. O. M. Hatch, Secretary of State for the State of Illinois, and send it herewith for your inspection, showing that the Legislature of that State has never passed an act or resolution accepting the work done on the National road within her limits, in lieu of the two per cent. fund, or declared the track of said road a State road. In view of these facts, is it too much to ask that a liberal construction, such as the late Interior Secretary, Mr. Thompson, gave them and said they should receive, should be given to the acts of 1855 and 1857. But a rigid construction of said acts will give to Illinois the sum she claims. The only way she can be kept out of her rights is to violently drag in other enactments, with which the ones I have just named, have no connection.

Can any good reason be assigned why the whole five per cent. should be paid to Alabama and Mississippi, and a like allowance and payment be denied to Illinois?

I remain, with great respect,

Your Excellency's obedient servant,

I. N. MORRIS.

QUINCY, ILLINOIS, *November 30, 1863.*

HON. I. N. MORRIS:

DEAR SIR: My attention has recently been directed to your correspondence with the officers at Washington City for the purpose of procuring payment of two per cent. of the net proceeds of the sales of public lands in this State. And I confess I was not aware of the existence of the law under which you claim payment, until you brought it before the public.

When in the United States Senate, I, with my colleagues in both Houses of Congress, procured the passage of a special law for a similar payment of two per cent. to Missouri; but if we had noticed the *general provision* of the second section of the act of March 3, 1857, we would have relied alone upon it, without waiting the tardy and uncertain

action of Congress, and I should have felt confident in obtaining the two per cent. to which the State was justly entitled, without any further legislation. And here, I may remark, is illustrated the impropriety of connecting a *general provision*, with a *special bill*, unless the title clearly indicates its character. This provision in the act for Mississippi, in connection with the act for Alabama, on the same subject, and thereby *re-enacted*, is ample and explicit, and would have been relied upon by us if it had not escaped our observation. But although we obtained a special law for the two per cent. of Missouri, we were met under it by the officers of the United State's Treasury with the same objections and subterfuges that you have to encounter when applying for Illinois. However, I finally obtained a reference of the question to the Attorney General, who promptly decided in favor of Missouri, and the money was accordingly paid. I have no doubt the same thing would have occurred under the laws on which you rely.

These laws direct, in substance, an account to be stated with Alabama and Mississippi, of the whole *five per cent.* of the net proceeds of sales of public lands, and also to *include* the Indian reservations; and then the last section directs a similar account with *each* of the *other* states, and to *allow* and *pay* the same. Language could not be plainer. There is an account to be *stated*, *allowed* and *paid*, independent of the Indian reservations, and then, if any of these, they are to be *included*. This *inclusive part* necessarily implies something preceding, and it might be entirely stricken out of the law, and the enactment remain, both intelligible and effective, retaining the primary object of the law—the *inclusive part* being nothing but the incident. Yet the pretext of the officers would make this little incident *everything*, and render the legislation of Congress both absurd and nonsensical. I feel obliged to you for having brought this subject to light.

Very respectfully, your obedient servant,

JAMES S. GREEN.

As well as my recollection serves me, I concur in the statement of facts, and I agree in the conclusions of the above letter of Hon. James S. Green.

FRANK P. BLAIR, JR.

WASHINGTON CITY, *January* 20, 1864.

UNITED STATES OF AMERICA, {
STATE OF ILLINOIS. } ss.

I, O. M. Hatch, Secretary of State of the State of Illinois, hereby certify that I have carefully examined the files of my office, and that I am unable to find that the Legislature of this State ever passed any law or resolution, accepting the work done upon the National road by the United States within this State, in lieu of the two per cent. fund, which said State was to have expended under the direction of Congress, in making roads leading thereto, under and by virtue of the sixth section of the act providing for her admission into the Union. I further certify that I cannot find any act or resolution passed by the Legislature of said State, declaring all, or any part, of what is or may be

claimed to be a part of said National road, lying within the limits of said State, a State road.

In testimony whereof I hereunto subscribe my name and affix the
[L. s] great seal of State, at the city of Springfield, this 22d
day of January, A. D. 1864.

O. M. HATCH, *Secretary of State.*

WASHINGTON, D. C., *February 15, 1864.*

TO HIS EXCELLENCY, A. LINCOLN,
President of the United States:

SIR — It is now more than one year since I commenced, under your administration, the prosecution of the claim of Illinois against the United States for the two per cent. fund, and more than half of that time I have spent in Washington. Whatever of energy or zeal I had has been unceasingly bestowed upon the case of the State, and no one moment which I could turn to account, or supposed I could, has been wasted, but all the which I have urged and implored the executive officers for action. The whole business could and should have been disposed of in three weeks. But delay has followed delay, and the State has been baffled at every possible point. Each succeeding subordinate functionary into whose hands the case has fallen, except the Land Commissioner, and it has been compelled to run a long and terrible gauntlet, has thrown his arm affectionately around its neck and held it to his embrace as long as possible, and while apparently caressing it with kindness, has adroitly endeavored to stop its breath with his hand. If it is to be strangled by those whose duty it is to give it a fair legal hearing and prompt decision, as is now generally believed by the citizens of the State who are here, it is due to her and to fairness that it should be done at once. Anything is better than undue suspense.

The State has another remedy which she cannot avail herself of until that provided in the Executive Department shall have been entirely exhausted, and in her name and on her behalf I protest, as her duly appointed representative, against her sustaining further injury and loss by the non-action of government officials. Already that loss has been great, and justice to her forbids that I should longer delay to remonstrate, respectfully but earnestly, against its further augmentation. A little more delay will carry her case over another year if she is forced to seek for justice outside of executive authority. Shall she be thus treated?

I have all along insisted and believed that your Excellency would order the execution of the laws. I believe so still, and shall continue so to believe until it is otherwise made manifest.

If Congress did not, by the passage of the act of 1857, for the settlement of certain accounts between the United States and the State of Mississippi and other states, re-enact the fifth section of the act approved March 1, 1857, to enable the people of the western part of the Mississippi Territory to form a constitution and State government, which sets apart and invests the right in that State of the five per cent. arising from the sales of the public lands, and other acts, subsequently passed, connected therewith, for the payment of three and two parts of it, and

direct a similar payment of five per cent. to the other states, of which Illinois is one, it would be impossible to find legislative language which could do it.

With respect and consideration, I remain your obedient servant,

I. N. MORRIS.

Can I be permitted to see the opinion of the Attorney General after its rendition and before final action thereon? I should like to do so.

M.

Finally, after long and anxious delay, the opinion of Attorney General Bates was rendered. Through what channel it found its way to the Interior Department I never could learn. Although I had inquired for it at the General Land Office until I had become literally ashamed of asking, the first I knew about it, it was in the hands of the Interior Secretary, and had been acted on by him, though his action does not appear of record, in the face of the decision itself which declares the secretary had no jurisdiction over the question. The Commissioner of the General Land Office, following the ruling of the Interior Secretary, at once acted in the premises, and if I had reason to complain before of the non-action of government officials, I certainly had no cause to make any such complaint after the case got back from the Attorney General's office into the Interior Department. Instant dispatch was used in disposing of it in my absence and without my knowledge, and it looks very much as if there was *design* in the mode of proceeding. If such was the case it will avail nothing in the end.

The following correspondence at once transpired, subsequent to which I obtained a copy of the account, as stated, a copy of the opinion of the Attorney General, etc:

WASHINGTON CITY, *March 30, 1864.*

Honorable Commissioner of the General Land Office :

SIR—I understood, for the first time to-day, upon inquiry made of your chief clerk, Hon. Joseph Wilson, that some action had been taken in your office in regard to stating an account with the State of Illinois, of the two per cent. claimed to be due her from the proceeds of the public lands sold within her limits. Will you therefore be kind enough to furnish me, at as early a period as possible—

1. With a copy of the account, stated.
2. With a copy of the order upon which it was stated.
3. Information showing to whom the account, when stated, was delivered, and whether his Excellency, the President, made any order in the premises, and if so, what it is.

I desire this information to enable me to determine what course to adopt in the future. Permit me, however, to say that had I known, when the case of the State was returned to your office, I should have asked, in behalf of myself and associate counsel to be heard upon it, before it was finally disposed of, or the mode or manner of stating the account. This poor privilege was denied, not, I am satisfied, through

any design or agency of yours. Was the account stated in accordance with the ruling of your office, or that of the Interior Department?

Your friend and obedient servant,

I. N. MORRIS,
Agent and Attorney for Illinois.

GENERAL LAND OFFICE, *April 1, 1864.*

HON. I. N. MORRIS, *Agent for Illinois, Present.*

SIR—In reference to the subject of your note of the 30th ultimo, yesterday, received, I have to inform you that the statement of the account in regard to the Illinois reserved two per cent. fund has not yet been consummated. When completed and finally acted upon, you shall be furnished with the desired copy of the statement in question, or of any papers on our files in the premises you may deem necessary.

Very respectfully, your obedient servant,

J. M. EDMUNDS, *Commissioner.*

The Attorney General's opinion is as follows, and I ask for it a careful reading, being satisfied it has not injured but strengthened the claim of the State.

ATTORNEY GENERAL'S OFFICE, *March 8, 1864.*

TO THE PRESIDENT:

SIR—I beg to be excused for the long delay which has happened in answering upon the matter which you referred to me, some time in January last, touching the claim of the State of Illinois against the United States, on account of the two per cent. fund, so called. I lost several weeks by sickness, and then business, both in the office and in the Supreme Court, which would not brook delay, compelled me to postpone the consideration of this matter until now.

The memorandum which you sent me does not, specifically, state the questions or points of law upon which you require my opinion. But, judging from a careful examination of your memorandum, and some of the papers which accompanied it, I suppose the questions intended for my consideration may be fairly stated in the following form:

Under the acts of March 2, 1855, and March 3, 1857, "the State of Illinois has applied to have the Commissioner of the General Land Office state an account between the United States and said State, and to have allowed and paid over to said State such amount as shall thus be found due. The Secretary of the Interior, to whose Department the General Land Office and the Commissioner thereof pertain, takes cognizance of the case, and disallows the claim of the State to have either payment or accounting. From this decision of the Secretary of the Interior, the State appeals to *you*, as President of the United States," and asks you to do, as President, what the statutes require to be done, by the Commissioner of the General Land Office. And so the question is—Has the State of Illinois any legal right to take such appeal, and thereby impose upon the President the legal duty to do what the law plainly requires to be done by the Commissioner, i. e., to state the account, etc.?

I am clearly of the opinion that no such appeal lies. The President is not the accountant general of the nation—is not an auditor or comptroller of accounts.

The act of March 3d, 1857, section 2, II Stat., 200, declares "That the said Commissioner shall also state an account between the United States and each of the other states, upon the same principles, and shall allow and pay," etc. By the terms of this act no powers are granted to, nor duties imposed upon, either the President or the Secretary of the Interior, but only to and upon the Commissioner of the General Land Office. And is it now to be denied that Congress has power to distribute the ministerial functions of government among the functionaries of its own creation? The practice is coeval with the government, and is in actual exercise every day. In fact the contrary theory is simply impossible, in practice, for neither the President nor any head of a Department could, by any degree of laborious industry, revise and correct all the acts of all his subordinates. And if he could, as the law now stands it would be as illegal as unwise.

Although the President cannot be substituted for all his subordinates, and required to do all their work, in any contingency, yet, doubtless, in one sense, he has a general oversight of all the officers of the government. For, by the constitution, it is his duty to "take care that the laws be faithfully executed." And, in the discharge of that duty, he will of course act according to the subject-matter and the nature of each case before him. If the party who will not execute the law be a Judge, the President cannot perform his judicial duties. All he can do is to give the proper information to the House of Representatives, who may, if it think proper, apply the remedy of impeachment. But if the offender be a ministerial officer, civil or military, the remedy is in the President's own hand, and of easy application. He has nothing to do but turn him out and fill his place with another man.

Under the act of 1857, it is the plain duty of the Commissioner of the General Land Office to state the account. I think he ought to be required to do it, for no one else, (not the Secretary of the Interior nor the President,) can do it for him.

It is no objection to stating the account, that the Commissioner thinks there is no balance in favor of the claimant, for if that be so, the fact will appear all the plainer when the account is stated. I forbear all further argument and content myself with referring you to numerous opinions of my predecessors, (as collated below,) by which the doctrines I advance are fully settled *for this office*.

The question of the President's power to interfere with the action of the accounting officers in the settlement of accounts, repeatedly came before Attorney General Wirt, and he held that the duty imposed upon the President to take care that the laws be faithfully executed, placed the officers engaged in the execution of the laws under his general superintendence, and required him to see that they did their duty faithfully, and, on their failure, to cause them to be displaced, prosecuted or impeached, according to the nature of the case. But it did not mean that he should execute the laws in person, which would be absurd and impossible; that where the laws require a particular officer by name to perform a duty, not only must he perform it, but no other officer can

lawfully do so, and were the President to perform it, so far from taking care that the laws were faithfully executed, he would be violating them himself; and he held that the President had no power to interfere with the accounting officers so long as they performed their duties faithfully. (1 Op. At. Gen., 624; *ibid* 636; *ibid* 678; *ibid* 706.)

Although Attorney General Taney, in Thorp's case, (2 Opinions 463,) seemed to think that where a claim had been rejected by the accounting officers, and their decision confirmed by the Secretary of War, an appeal might lie to the President, it is clear that such was not his well considered opinion. For in Grice's case, (2 Op., 481,) where the claim was rejected by the accounting officers, he declared that no appeal would lie from their decision to the President. And, in General Taylor's case, (2 Op., 507,) where the President was asked to dismiss a suit on the ground that the accounting officers had not allowed certain credits, Attorney General Taney advised him that the law contemplated no appeal to the President, and that he did not possess the power to examine into the correctness of the accounts to repair errors that the accounting officers appointed by law might have committed. Again, in Hogan's case, where the President was asked to order the allowance of certain claims against the United States, which the accounting officers had rejected, Attorney General Taney advised him that such an appeal would not lie to him, and that he could not legally interfere. These three cases undoubtedly express the authoritative opinion of that distinguished officer on this question.

To the same effect is the opinion of Attorney General Crittenden, in Pratt's case, (not printed,) and his elaborate opinion in 5 Op., 636, wherein he reviews the precedents, and reaches the conclusion that the President has no authority to interfere in the settlement of accounts on appeal to him.

In this opinion Mr. Crittenden also maintains, with great ability and learning, the rightful authority of the heads of departments to interfere "*a priori* or *a posteriori*" in the settlement of accounts of their respective departments, and this principle has been accepted by nearly all his successors, and may now be regarded as settled. It results, therefore, that a power of interference with the accounting officers exists in the heads of departments, which is not conceded to exist in the President. Although Attorney General Cushing calls this an "anomaly of relation," (6 Op., 343,) it is conceived that good reasons exist for the distinction. The rule which has thus forbidden the President's interference in the settlement of accounts by the accounting officers, has also been applied to other cases. Where an appeal was taken from the decision of the Secretary of War, approving the action of the Commissioner of Pensions, in disallowing a claim for an increase of pension, Attorney General Mason advised the President against entertaining the appeal, and, after citing the opinions of Messrs. Wirt and Taney, said that the President could not adequately perform his high constitutional duties if he were to undertake to review the decisions of subordinates on the weight or effect of evidence in cases appropriately belonging to them.

Where the state of Iowa claimed certain lands, under a grant by Congress, and a question arose as to the extent of the grant, and the proper

officers differed on that question, the President was asked to decide the question, but Attorney General Crittenden advised him that the act of Congress did not provide for or appear to intend any interposition by the President, and that his interference with the performance of the particular duties assigned by law to subordinate officers, either to correct errors or supply omissions, would, in the general, be exceedingly injudicious, if at all warrantable, and would, moreover, involve him in an endless and invidious task, occupying his whole attention, and leaving no time for higher duties. He gave the same opinion where the President was invoked to interfere on behalf of certain parties for the decision and settlement of questions arising out of a contract and purchase of lands made by them from the Seneca Indians, (5 Op., 275.)

In conclusion, I adopt the language of the Supreme Court of the United States, (1 How., 297,) as an accurate and authoritative statement of the law on the subject. "The President's duty, in general, requires his superintendence of the administration; yet this duty cannot require of him to become the administrative officer of every department and bureau, or to perform in person the numerous details incident to services which, nevertheless, he is, in a correct sense, by the constitution and laws required and expected to perform. This cannot be, first, because if it were practicable, it would be to absorb the duties and responsibilities of the various departments of the government in the personal action of the one chief executive officer. It cannot be, for the stronger reason that it is impracticable, nay, impossible."

I am, Sir, very respectfully,

Your obedient servant,

EDWARD BATES,

Attorney General.

REMARKS ON THE OPINION OF THE ATTORNEY GENERAL.

After quoting what I suppose is the language of the President's memorandum, accompanying the papers transmitted by him to the Attorney General, that officer says: "And so the question is, has the State of Illinois any legal right to take such appeal, and thereby impose upon the President the legal duty to do what the law plainly requires to be done by the Commissioner, *i. e.*, to state the account, &c. I am clearly of the opinion that no such appeal lies. The President is not the accountant general of the nation—is not an auditor or comptroller of accounts."

The learned Attorney General mistates the case, doubtless unintentionally, and then draws a conclusion from the erroneous premises. I never pretended, nor do I know of its ever being pretended, by any one, that the President was "Accountant General" of the nation, or an "Auditor," or a Comptroller, or that he was bound to make up, or personally superintend making up, the accounts of such officers. Because he is not bound to do this, the learned Attorney General assumes the ground that no appeal lies, in the case of Illinois, to the President. What I have affirmed, and what is the settled ruling of the Attorney General's office is this, that while it is wholly impracticable, nay, impossible, for the President to execute, in person, all the laws, it is, never-

theless, his solemn duty, enjoined by his oath of office, "to take care they are executed." In cases where it is made known to him that his subordinates have not executed them, he is to see that they do it, and if they fail upon direction to do it, it is his duty to turn them out, and appoint others who will execute them. In every case where he has the right to appoint and remove an officer at will, he is responsible for his conduct, and the officer is amenable to him for every dereliction of duty, and what can be a more serious one than failing to execute the laws. In cases where the tenure of the office is fixed by the constitution, such, for instance, as that of a supreme judgeship, the President is not responsible for the manner in which the incumbent performs his duty, for the reason he has no power over him. Such functionary belongs to a different and co-ordinate department of the government, and his case is not to be confounded with one, where an executive ministerial officer, who is but the *convenience* of the President, fails to discharge his duty. It will hardly be seriously insisted, I apprehend, by the learned Attorney General, that such an officer is above the power of the President to correct his errors and require the performance of his omissions of duty. What I have claimed is, that subordinate executive officers have not executed the laws bearing upon the two per cent. road fund to the State, as the President has interpreted them, and that hence it is incumbent on him to see that they do it, for the reason that he is bound to "take care that the laws be faithfully executed," as HE understands them, and not as they may be interpreted by his inferiors or clerks. Somehow or other there seems to be a strange propensity in some of the departments at Washington, to make up false issues with the State, and then try her cause upon them. I put it to the learned Attorney General to say whether, if the President is satisfied that one of his subordinate officers has not executed (I will state the case direct) the laws requiring the payment to Illinois of the sum she claims, it is not his constitutional duty to direct those laws to be fulfilled. To attempt to relieve him from that duty by a mere dash of the pen, that he is not "Accountant General" of the nation, or an "Auditor," or "Comptroller," is hardly worthy of the great reputation of the learned Attorney General. I fear that if his legal fame should rest upon the assumption that, because the President is neither of these things, he is not therefore bound "to take care that the laws are executed," it would soon disappear from among the illustrious expounders of constitutional law.

The very authorities which the learned Attorney General himself cites, are against him. They sustain the real, and are irrelevant to his hypothetical case. Instance the quotation at the conclusion of his opinions, from the decision of the supreme court of the United States, (1 How., 297,) wherein the court say, "The President's duty, in general, requires his superintendence of the administration; yet this duty cannot require of him to become the administrative officer of every department and bureau, or to perform, in person, the numerous details incident to services, which, nevertheless, he is, in a correct sense, by the constitution and laws required and expected to perform."

The doctrine here laid down by the court is undoubtedly correct. It is that in a "correct sense" the President is required by the "*constitution and laws*" to become the administrative officer of every department

and bureau, yet it is impossible for him to perform, in person, the numerous details incident to services which are required of him. The employment of others is a matter of convenience, and to facilitate the discharge of public business and does not and cannot divest the President of any part of his attribute of executive power and responsibility. I have never asked the President to state in person, the account of Illinois, but I have asked him to see that the laws were executed. I have asked him to direct his subordinates to execute them. If he is made conscious that an account has been wrongfully stated, it is plain that that is no legal statement of it, and consequently no statement. To state an account is to comply with the law. A wrongful statement is no statement.

The supreme court say, in their opinion quoted from by the learned Attorney General, "the President's duty, in general, requires his superintendence of the administration."

What does this mean but that he is required to see that his subordinates properly execute the laws. This is all the State has ever asked of him, and all she desires him to do.

The learned Attorney General, in his opinion, lays down the true ground. I should have had no cause to complain of his action if he had let the case of the State alone as I presented it, and as it is, and not changed it so as to place it in juxtaposition with his doctrine. He admits, while insisting properly enough, that the President cannot be substituted for all his subordinates and required to do all their work, that he has, "in one sense, a general oversight of all the officers of the government, and that it his duty to turn out a ministerial officer who fails to execute the laws, and put one in his place who will execute them."

If the President believes that the laws relating to the payment of the two per cent. to Illinois have been executed, all he has to do is to say so. But it appears he does not believe it. His opinion of them is so clear that he did not even refer to the learned Attorney General, the question of their exposition—only the one of jurisdiction. Had he not been entirely satisfied on the point of construction, he undoubtedly would have called for the opinion of the learned Attorney General upon it. The Interior Department never asked for it, or manifested a willingness to risk the case upon it. Occupying the position of a suitor, I had no right to call for it. Only the government could demand or require it, and that appears to have preferred the opinion of subordinates on the merits of the question.

But I will not, in this report, enlarge the argument in support of the views I have here expressed. They have heretofore been sustained by citations to judicial decisions and the opinions of Attorney General's, too numerous and overwhelming to be overthrown. To evade the real issue is to yield the question of right to the State.

There is one additional argument, however, used by the learned Attorney General, to show that the State had no right to carry her cause to the President, which it is, perhaps, my duty to notice briefly. He assumes that because the act of Congress, approved March 3d, 1857, entitled, "An act to settle certain accounts between the United States and the State of Mississippi and other States," is *directory* to the Land Commissioner, that, therefore, it is no concern of the President to see that it

is executed. And yet the learned Attorney General says, in his opinion, "Under the act of 1857, it is the plain duty of the Commissioner of the General Land Office to state the account. I think he ought to be required to state it."

Required by whom? Who could require him to state it but the President, and if he could require him to state the account, could he not require him to state it correctly? If he has jurisdiction over the question at all, he has it over all, and not over a part of it. Some laws the President is required to execute in person, others are directed to his subordinates. The latter class he is required to see executed. The doctrine has long been settled by the very highest authorities, (see Attorney General's opinions,) that a law imposing a duty on a ministerial officer imposes a duty on the President to see that he performs it. The President could not, if he would, escape from the obligation.

It will be seen by an examination of the learned Attorney General's opinion, that he has decided two important points in favor of the State, and sustained the views I have uniformly expressed upon them, and overruled those expressed by the Interior Secretary and the Land Commissioner. I refer to his ruling that the act of 1857 embraces the per cent. on the public lands as well as the per cent. on the Indian reservations, and requiring the Commissioner to state the account of Illinois on both. He also decides that the Interior Secretary has nothing to do with the case.

But one other question remains undisposed of, and that is how shall that account be stated? The following is a copy of the statement of it, made out in the General Land Office, under the supervision of the Interior Secretary, and the question is, is it in compliance with the law? I have, in my previous reports, so fully argued this point that it is believed to be wholly unnecessary to say but a word or so upon it now, especially in view of the fact that I shall soon discuss it fully before the First Comptroller of the Treasury.

There is no pretense that the acts passed for the benefit of Alabama and Mississippi, which will be found in my original report, pages 6 and 7, contemplated that any offset should be used or charged against the accounts required to be stated, other than the actual payments, in money, before that time made. This is not only apparent from the language of the acts themselves, but the conclusion is placed beyond all doubt when it is recollected there were no other kind of offsets to apply. The acts simply provided that the two and three per cent. accounts of Alabama and Mississippi should be restated, and if any part of either, upon such restatement, remained unpaid, it should be paid, and five per cent. on the Indian reservations included therein. It seems to me that nothing can be plainer. Alabama and Mississippi wanted just that legislation and nothing more. They wanted and asked for the five per cent. on the Indian reservations within their respective limits, and whatever remained unpaid of the five per cent. arising from the sales of the public lands. They were not contemplating, nor was Congress, expenditures on the Cumberland road at the time said laws were passed, and there is no man at all acquainted with the history and character of the legislation, silly enough to believe it. The accounts are required to be stated "for the *purpose* of ascertaining what sum or sums of money

are due to said states, heretofore unsettled," etc., that is, heretofore *unpaid*, and to include the five per cent. on Indian reservations therein, and pay the sum thus found to be unpaid or "*unsettled*."

The second section of the Mississippi act enjoins upon the Commissioner of the General Land Office to "also state an account between the United States and each of the other states, upon the same principles," that is, in the same way, mode or manner, "and allow and pay to each state the amount that shall thus be found due, estimating all lands and permanent reservations at \$1,25 per acre." If the amount thus "found due" was not to be "allowed and paid," where the necessity of requiring the account to be stated, unless the "other states" were to be placed upon an equal footing with Alabama and Mississippi, and the same principle of payment was to be observed towards them that was to be observed towards those states, the said second section of the act of March 3d, 1857, is without object and without meaning, and it is hardly to be presumed that the committee on Public Lands in the Senate would have added it to the bill, except for a wise and just purpose.

But the Attorney General having determined that the account of Illinois must be stated under the act of 1857, disposes of the whole question, for there can be no doubt of the "principles" upon which it must be stated. The conclusion therefore is, that the expenditures on the Cumberland road were resorted to as a mere departmental evasion.

GENERAL LAND OFFICE, *April 2, 1864.*

Hon. I. N. MORRIS, *Agent and Att'y for Illinois, Present :*

SIR—Referring to my letter of the 1st inst., in reply to yours of the 30th ult., I now inclose a copy of the statement of the Illinois reserved two per cent. fund. The statement has been sent to the Hon. 1st Comptroller of the Treasury. Copies of any papers on our files, in regard to this, which you may desire, will be furnished on your application.

Very respectfully, your obedient servant,

J. M. EDMUNDS,

Commissioner.

[Report No. 17,984.]

DEPARTMENT OF THE INTERIOR,

GENERAL LAND OFFICE, *March 17, 1864.*

SIR—I have examined as to the condition of the reserved two per cent. fund on the sales of the public lands within the limits of the State of Illinois, from January 1st, 1819, to December 31st, 1860, in view of the provisions of the act of Congress approved April 18, 1818, of the act approved 3d March, 1857, "to settle certain accounts between the United States and the state of Mississippi and other states," and find as follows, viz :

That two per cent. on the net proceeds, viz: \$23,705,984 66 of sales of the public lands within said State, during the period aforesaid, amounts to..... \$474,119 69

That two per cent. upon the aggregate of 41,754 59-100 acres of Indian reserves, amounting to \$52,193 24, valued at \$1,25 per acre, under said act of 1857, amounts to 1,043 86

\$475,163 55

This sum, \$475,163 55, by the express terms of the 3d stipulation in the 5th section of the Illinois Enabling Act of April 18, 1818, being reserved to be disbursed "under the direction of Congress," in "making roads leading to the State."

I also find that the said two per cent. fund stands chargeable in this connection on account of the construction of the Cumberland road, under the acts of 31st May, 1830, 2d March, 1831, 3d July, 1832, 2d March, 1833, 24th June, 1834, 2d July, 1836, 2d March, 1837, and 25th May, 1838, (U. S. S., Vol. 4, pages 427, 469, 557, 649, 680, Vol. 5, pages 71, 195, and 228,) and according to the official certificate A, herewith, bearing date March 15th, 1864, from the acting Register of the Treasury, in the sum of..... \$739,879 99

Showing not only that there is no balance due by the United States, on account of said fund, but that, on the other hand, the sum of..... 264,716 44 has been expended "under the direction of Congress" on this account, in excess of the aforesaid reserved two per cent. fund of..... \$475,163 55

[There have been no net proceeds since January 1st, 1861, the incidental expenses and repayments having been largely in excess of the receipts from sales.]

As appears from the foregoing, and the certificate of the acting Register of the Treasury, which is respectfully submitted to the First Comptroller of the Treasury for his action and decision thereon.

J. M. EDMUNDS, *Commissioner.*

Hon. R. W. TAYLOR, *First Compt. of the Treasury.*

[A.]

Statement, showing the payments and repayments on account of the construction of the Cumberland road, in the State of Illinois:

Payments in 1830.....	\$12,155 00
" 1831.....	33,361 00
" 1832.....	87,500 00
" 1833.....	40,000 00
" 1834.....	51,752 03
" 1835.....	109,000 00

Payments in 1836.....	42,231 97
“ 1837.....	58,452 66
“ 1838.....	81,000 00
“ 1839.....	128,520 00
“ 1840.....	99,027 34
	<hr/>
	\$746,000 00
Repayments in 1842.....	\$4,700 00
“ 1845.....	1,420 01
	<hr/>
	6,120 01
	<hr/>
	<u>\$739,879 99</u>

R. SOLGER, *Acting Register.*

TREASURY DEPARTMENT,
REGISTER'S OFFICE, *March 15th, 1864.*

The Land Commissioner says, in the foregoing account, “I also find that the said two per cent. stands chargeable in this connection, on account of the construction of the Cumberland road, under the acts of the 31st of May, 1830, 2nd of March, 1831, etc., and according to the official certificate ‘A,’ herewith, bearing date March 15, 1864, from the acting Register in the Treasury, in the sum of \$739,879 99.” This finding is not upon any claim or offset existing in his office, the Commissioner informs us, but is based upon the “official certificate” of the acting Register in the treasury. Denying the right of the Interior Department to act officially on any matter in the Treasury Department, and properly under its control and disposal, let me ask, without discussing the question of jurisdiction, if the statement of the acting Register referred to, bears out and justifies the Commissioner in making the charge he did against the State. The Commissioner informs us that he made that charge “according” (to use his own word) to that certificate.

Now, what is that certificate? The caption of it reads as follows:

“Statement showing the payments and repayments on account of the construction of the Cumberland road, in the State of Illinois.”

There is not a word in the certificate showing that a single dollar of the amount expended on the Cumberland road, within the limits of Illinois, has ever been charged against the two per cent. fund due the State for road purposes; and yet the Interior Department assumes the responsibility, without authority of law, and by encroaching upon the rights of the Treasury Department, to direct the charge to be made! All there is in the statement of the acting Register is the amount of expenditures on the Cumberland road for a period of ten years, within the limits of Illinois, based upon reports of engineers filed in the Treasury Department, or rather, stowed away there. This information I have had in my possession since 1857, when I commenced the prosecution of the claim of the State; and I am, I believe, familiar with its bearing thereon, as I have had occasion to discuss the matter pretty fully heretofore—not for the reason it had any legal connection with the demand, for it has never been so treated in the Treasury Department,

but because the Interior Secretary was indicating a purpose to rely upon it as a dernier resort against the State, when he should be driven, as he was by the opinion of the Attorney General, from his other grounds.

Understanding the utter fallacy of the pretended offset against the claim of the State, and desiring to bring out the facts fully, I prepared the following resolution, which I handed to the Hon. Wm. R. Morrison, who introduced it into and procured its passage through the House of Representatives:

“Resolved, That the Secretary of the Treasury be, and he hereby is, requested to furnish to this House, at as early a day as possible, information showing—

1. The amount received into the Treasury of the United States of the two per cent. fund arising from the net proceeds of the sales of public lands made in the State of Illinois since January 1st, 1819, and reserved in her enabling act for road purposes—giving the dates from time to time when it was so received, and the respective amounts of each payment opposite said dates.

2. Whether anything is charged in the Treasury Department against said fund, or any offsets exist against it there; and if so, when and how did said charges occur, or were said offsets made, and upon what basis; stating particularly the amounts and dates of said charges or offsets, and the respective times, mode or manner in which said two per cent. fund was expended, and where, if at all, and the evidence of such expenditure, and the authority for it.”

SECRETARY CHASE'S REPORT.

TREASURY DEPARTMENT, *May 6, 1864.*

SIR: I have the honor to acknowledge the receipt of a resolution of the House of Representatives, under date of the 2nd instant, requesting me to furnish information showing the amount received into the Treasury of the two per cent. fund arising from the net proceeds of the sales of the public lands in Illinois since January 1, 1819, and reserved in her enabling act for road purposes; and whether anything is charged in this department against said fund, or any offsets exist against it.

The resolution was referred to the Register of the Treasury, who reports that the books of his office do not show any payment made into the Treasury on account of the fund above referred to since January 1, 1819. He suggests that the records of the Land Office would probably show all the facts to which the resolution refers.

I am, very respectfully,

S. P. CHASE,

Secretary of the Treasury.

Hon. SCHUYLER COLFAX,

Speaker of the House of Representatives.

WASHINGTON, May —, 1864.

Hon. S. P. CHASE,

Secretary of the Treasury:

SIR: Your report on the two per cent. fund of Illinois, transmitted to the House of Representatives in response to its resolution of the 2nd inst., is before me. If you will carefully re-examine the subject, I think you will come to the conclusion that you have not fully complied with the request the House made. The books of the Treasury must certainly show the dates when and amounts received from the public lands sold in the State of Illinois since January 1, 1819, and paid into your Department from time to time. Two per cent. upon those amounts will be the amount of the read fund to which said State is entitled. The Register of the Treasury must therefore be mistaken when he states the books of his office do not show any payment made into the Treasury on account of said fund. The second part of the resolution you have made no reply to. It is in these words: "Whether anything is charged in the Treasury Department against said fund, or any offsets exist against it there, and if so, when and how did said offsets or charges occur, and were the same made, and upon what basis—stating particularly the amounts and dates of said charges or offsets, and the respective times or manner in which said two per cent. fund was expended, and where, if at all, and the evidence of such expenditure, and the authority for it."

I hope, sir, you will oblige the State of Illinois, and myself, by furnishing to the House, as soon as possible, an additional and fuller report on the subject. I am apprised of the nature and character of the information which the Land Department can furnish.

Very respectfully,

WM. R. MORRISON.

TREASURY DEPARTMENT, June 2, 1864.

SIR: I have received your letter of the 23rd ult., asking for further information than that contained in my letter of May 6th, in reply to a resolution of the House of Representatives of May 2, inquiring in regard to "the amount received into the treasury of the United States of the two per cent. fund arising from the net proceeds of the sales of the public lands made in the State of Illinois, since January 1, 1819."

The books of the Register of the Treasury do, as you suggest, show the amounts received into the Treasury from the public lands sold in the State of Illinois since January 1, 1819. A table is herewith transmitted, showing the receipts for each year, up to the present time, since 1818. The books of the Department do not, however, show anything in regard to such a fund as that referred to in the resolution, either in the way of receipts, or of charges or offsets against it.

I am, very respectfully,

S. P. CHASE,

Secretary of the Treasury.

Hon. WM. R. MORRISON,

House of Representatives.

*Statement of Moneys received into the Treasury of the United States
from the sale of Public Lands in the State of Illinois.*

Amount received during fiscal year	1819	\$299,461 58
"	"	134,355 15
"	"	75,595 19
"	"	61,216 82
"	"	47,600 34
"	"	74,669 37
"	"	50,784 49
"	"	108,341 14
"	"	50,717 52
"	"	88,161 80
"	"	198,609 72
"	"	396,204 31
"	"	375,260 27
"	"	228,292 69
"	"	374,138 51
"	"	402,470 68
"	"	2,461,125 03
"	"	3,705,013 93
"	"	1,075,239 73
"	"	818,923 62
"	"	1,457,955 90
"	"	597,223 61
"	"	326,722 20
"	"	550,071 97
"	"	258,463 49
"	"	468,651 93
"	"	530,982 98
"	"	659,519 12
"	"	546,929 03
"	"	491,875 77
"	"	268,446 49
"	"	373,340 42
"	"	368,414 32
"	"	315,633 21
"	"	719,722 16
"	"	1,671,763 28
"	"	962,065 88
"	"	859,544 46
"	"	356,169 26
"	"	51,615 62
"	"	7,960 53
"	"	13,050 36
"	"	11,432 29
"	"	1,029 59
"	"	3,047 28
Total		\$22,897,813 04

TREASURY DEPARTMENT, REGISTER'S OFFICE,
June 1st, 1864.

L. E. CHITTENDEN, *Register.*

As early as September, 1863, Mr. Solger, the Acting Register in the Treasury, furnished me with the following certificate, which will be found published in my supplemental report:

TREASURY DEPARTMENT, REGISTER'S OFFICE,
September 23, 1863.

I do hereby certify that there is no account on the books of this office in relation to the two per cent. fund with the State of Illinois. No sum has been credited to said State on account of said fund, nor has there ever been any amount charged against it in this office.

R. SOLGER,
Acting Register.

After this superabundant evidence that there is nothing charged in the Treasury Department against the two per cent. fund of the State, it will appear incredible that the Interior Department should direct such a forced construction to be put upon the statement of the Acting Register accompanying the account made out against her.

That I should feel indignant at so great a wrong upon the rights of my State is not a matter of surprise. With a view of showing the absurdity of the Interior Secretary's action, I addressed him, or rather his assistant, a communication, of which the following is a copy. I deemed it my duty to the State to do so.

WASHINGTON CITY, *April 4, 1864.*

HON. WM. S. OTTO, *Assistant Interior Secretary :*

SIR:—I have just been furnished by the Commissioner of the General Land Office with a copy of an account, which passed under the supervision of the Interior Department, and was made up in compliance with its ruling of the two per cent. fund claimed to be due to the State of Illinois, under the act of the third of March, 1857, providing for the settlement of certain accounts between the United States and the State of Mississippi and other States. That account shows the amount of said fund to be \$475,163 55, and there is charged against it \$739,879 99, (you say, in your opinion, under date of August 31st, 1863, that the amount appropriated for the road in that State (Illinois) is \$605,000, and now you put it at \$739,879 99, thus largely increasing it,) leaving a balance against the State of \$264,716 44, which you have affirmed she will be compelled to pay.

It is truly unfortunate for me, as well as my State, that after having labored for years to promote her interest I should bring her out in debt ! I suppose I ought to be accountable to her in damages.

While, however, Illinois, has been thus unfortunate, a very cheering and happy result has accrued to the General Government, at this moment of her financial distress. You have all along insisted, and if you had not the facts would not thereby be changed, that Ohio and Indiana stood in the *precise relation* to the act of 1857 that Illinois does, and that if she received the two per cent. they were equally entitled to it. This being the case, each is, of course, indebted to the General Government for the sums expended on the National road within their respective limits, over and above the two per cent. fund arising from the public lands. This will show an indebtedness on the part of Ohio to the United States of nearly two million of dollars, and of Indiana of nearly one million, and certainly your high sense of justice, propriety and rigid

impartiality will not allow you to claim the excess from Illinois and not from the other States named. It will be no excuse that those States (Ohio and Indiana) have not asked their accounts to be made out. Your duty, as a faithful and upright public officer, requires you to make them out on the *same principle* you applied to Illinois in making up her account, and in the event the sums not found due are not paid on presentation, which I presume will be the case with your own State at least, you should institute suits for the recovery of the several amounts. Illinois will meet such a suit in any court you may select, and at any time that will suit your convenience, and I pledge her honor that she will file no technical pleas to your declaration, but meet the question on the broad ground of merit. Can you say that she has been thus dealt with?

Information found its way promptly, from your department, over the telegraphic wires, last August, when you decided the case of Illinois against her, that the decision applied equally to Ohio and Indiana, your own State, and this was heralded as conclusive evidence of the astonishing economy and watchfulness of the Interior Office over the public coffers, and convincing proof of your moral courage and unbiased judgment, for if you had decided otherwise than you did, you would have benefited Indiana as well as Illinois. Now that the case being altered I hope it will not alter the case, but that you will proceed against Indiana, make out her account, and collect it, as you propose to do with Illinois. I feel quite sure you will not allow any feeling of State partiality or delicacy to induce you to pause in the discharge of this high duty as a government functionary. I shall anticipate for you the most favorable result.

Inasmuch, however, as the discovery would never have been made of the indebtedness of Ohio, Indiana and Illinois to the General Government of a sum amounting in the aggregate to nearly three millions of dollars, but for my labors, would it be anything but fair for the United States (pardon the suggestion) to pay me a reasonable fee therefor. I see no other way of making myself whole, and will leave the disposition of the matter to the known liberality of your department, not being disposed to present a formal bill.

I am only astonished that while it is now claimed Illinois owes the United States so large a sum, you should have paid me, for her, \$1,565, so late as September last, on her Indian reservations. That, however, was, doubtless, an oversight, and you will, of course, include the amount in your account as paid by mistake.

Being profoundly grateful that, while I have injured my own State I have at least been fortunate enough to add a claim, covering such a large sum, to the National coffers; and believing also that your promptness in the discharge of your official duties, of which I have had the most abundant evidence, will prompt you at once to collect the same, I congratulate the country upon the auspicious event.

With the view that Congress may be apprised of the fact that such a large amount is thus unexpectedly to come soon into the treasury, thereby lessening the necessity for raising revenue, and likewise with the view of conveying early information to Ohio, Indiana and Illinois of the respective sums they will be required to pay over to the United States, I

shall publish a copy of this communication in advance of my report to the Governor of my State.

With great consideration, I remain, sir,

Your obedient servant,

I. N. MORRIS,

Agent and Attorney for Illinois.

P. S. You certainly will not insist that Indiana is equally entitled to the benefits of the act of 1857 with Illinois, and she not be equally liable with her to pay to the General Government the amount expended over it on the National road within her limits. You stood ready to take for your own State that fund if Illinois received it, and I suppose are equally ready to make her pay back the overplus.

I. N. MORRIS.

THE PRESIDENT'S VIEWS.

The following is a copy of a note, addressed by the President to the Interior Secretary, at the time of transmitting to that officer the papers pertaining to the matter which I submitted to his Excellency on behalf of the State. While his Excellency expresses his own view of the law clearly, he very properly did not feel justified in giving an instruction to the Secretary, in advance, to adopt his construction.

HON. INTERIOR SECRETARY:

Illinois has again presented her claim for the two per cent. I do not think it very gracious in her to do so at this time of our National troubles. My opinion of the law has undergone no change. I think the law is with the State. I therefore desire you to take up the case and act upon it as you may think the law is.

A. LINCOLN.

LETTER OF HON. P. B. FOUKE.

WASHINGTON CITY, *February* 20, 1864.

DEAR SIR—In reply to your inquiry, I will state that I have examined your report on the two per cent. fund due from the United States to the State of Illinois, submitted to Governor Yates in April, 1863, and particularly that part of it in which you refer, on the 20th and 21st pages, to an interview I had with the President, and what was said between us on the subject at that interview, held on the 23d of March, 1863, when I read to him your written statement, bearing date March 19, 1863, and I fully indorse and sustain you in all the facts which you have presented. They transpired as you represent them. The President stated to me what you say he did, and left no doubt on my mind that Illinois was entitled to the money she claimed, according to his view of the laws relating thereto.

I will also state that after my interview with the President, I had another with the Hon. John P. Usher, Secretary of the Interior, who treated me with great courtesy and kindness, which terminated by his leaving the impression on my mind that his view of the laws upon which are based the claim of Illinois, were the same as those which the President had expressed to me.

Yours, very truly,

P. B. FOUKE.

HON. I. N. MORRIS.

The same impression left by Judge Usher, the Interior Secretary, on the mind of Mr. Fouke, he left on my mind at more than one interview, and he has also left the same impression on the minds of others. There is no doubt that his legal opinion is that the law is with the State. Hence he threw the whole responsibility of resisting the claim upon his assistant, while he stood in the back ground himself. It is a most significant fact that no principal officer at Washington has been willing to stake his legal reputation on a decision against the State. Why did not the Interior Secretary meet the question himself, and not put his assistant between him and Illinois? The reason is obvious.

One statement in my report referred to by Col. Fouke, in his letter, is as follows:

“He, (meaning the President) also said to Col. Fouke that he had talked with Mr. Usher, his Secretary of the Interior, on the subject, and that his Secretary entertained precisely the same view of the laws upon which the claim of the State is based as he himself did, that he, the Secretary, had so said to him.”

PROTEST AND PETITION FOR RE-HEARING.

WASHINGTON CITY, *April 4, 1864.*

Hon. J. M. EDMUNDS, *Com'r Gen. Land Office:*

SIR—I have to-day received from you a copy of the statement of an account made out in your office, and subjected to the supervision of the Interior Department, of the two per cent. fund arising from the net proceeds of the sales of the public lands in the State of Illinois, claimed by me as the agent and attorney of said State to be due and payable to her under the provisions of an act approved March 3, 1857, providing for the settlement of certain accounts between the United States and the State of Mississippi and other states.

You give the gross amount of said two per cent. fund at \$475,163 55, and charge against it \$739,879 99, on account of alledged expenditures on the Cumberland road—thus showing a balance against the State of \$264,716 44.

To the account thus stated, I avail myself of the immediate occasion of its receipt to enter, in the name of Illinois, her deliberate and solemn protest, and to affirm and deny, in her behalf, that she is bound or concluded thereby, for the following among other reasons:

Firstly—Because said account is not stated, as said act of 1857, requires, but in contravention thereof in this, that the said act requires the said two per cent. to be “stated, allowed and paid,” and does not authorize or allow the said alledged expenditures on the National road to be charged against it or any off-set to be made on account of said expenditures on said road or otherwise; and also in this, that said two per cent. was never expended, or any part thereof, by Congress, as trustee, in the mode or manner required by the conditions of the trust reposed by the State in that body by the terms of the compact between her and the general government.

Secondly—Because said account does not give the dates, places or particulars, when, where or how said fund was expended, so that it can

be determined with any accuracy that it was expended in conformity with the trust Congress held.

Thirdly — Because said account, as stated, is vague and uncertain, oppressive and unjust to the State of Illinois, and wholly unauthorized by any law.

Fourthly — Because said account was hurriedly made up, without giving the State an opportunity to be heard on the rule or principle which should have been adopted and followed in stating it.

All other exceptions to said account, as made up, are reserved by the State and excepted to.

I. N. MORRIS,
Agent and Attorney for Illinois.

GENERAL LAND OFFICE, *April 4, 1864.*

HON. I. N. MORRIS, *Agent and Attorney for Illinois, Present:*

SIR — Your protest of this date against the form adopted in stating the Illinois reserved two per cent. fund has been received and placed on file. Herewith I inclose a copy of any letter of this date to the First Comptroller, transmitting a copy of your letter for a re-hearing.

Very respectfully, your obedient servant,

J. M. EDMUNDS, *Commissioner.*

WASHINGTON CITY, *April 4, 1864.*

HON. JAMES M. EDMUNDS, *Commissioner General Land Office:*

SIR — In behalf of the State of Illinois, I respectfully petition your Honor for a re-hearing in the matter of the application of said State for the payment of the two per cent. arising from the net proceeds of the sales of the public lands, made within her limits, since January 1, 1819, reserved to be expended by Congress, as trustee, in the compact between her and the general government, in the construction of roads leading to said State, the account of which has been stated in a manner unauthorized, as she claims, by law, and as she hopes to establish or make manifest if a re-hearing is granted.

I. N. MORRIS,
Agent and Attorney for said State of Illinois.

GENERAL LAND OFFICE, *April 4, 1864.*

HON. R. W. TAYLOR, *First Comptroller of the Treasury:*

SIR — I inclose herewith a copy of a letter received this day from the Hon. I. N. Morris, agent and attorney for Illinois, asking for a re-hearing in the case of the Illinois reserved two per cent. fund, and he verbally requested that no action be taken thereon at the present time.

Very respectfully, your obedient servant,

(Signed)

J. M. EDMUNDS, *Commissioner.*

After submitting the protest and petition for re-hearing, I had personal interviews with the Land Commissioner and First Comptroller of the Treasury, each of whom was very courteous, and kindly consented to allow me to submit my arguments at such time as was convenient. I therefore postponed the further prosecution of the claim until this

winter. In two or three weeks I shall again repair to Washington and renew my labors. The comptroller has the power to review the account, as stated, and to change it as his mind may suggest is right. There must at some period not distant, be a termination to technical pleas, and then the State will obtain her rights, and substantial justice will be done.

I cannot close this report without renewing the expression of my continued confidence in the determination on the part of the President to see that the State is fairly dealt with, and without also expressing my acknowledgments for the personal kindness and respect with which he has uniformly treated me.

All of which is respectfully submitted.
QUINCY, *December 24*, 1864.

I. N. MORRIS.

S P E E C H

OF

HON. RICHARD YATES,

DELIVERED AT ELGIN, ILL.

ON

THE FOURTH DAY OF JULY, A. D. 1865.

[As Reported for the Chicago Press.]

Eighty-nine years ago to-day, in Independence Hall in the city of Philadelphia, our revolutionary fathers, after a long and protracted war with England, declared the United States a free and independent nation, and amid the shouts of rejoicing, ringing of bells, and every demonstration of joy, proclaimed "liberty throughout the land and to all the inhabitants thereof."

As if to consecrate this sacred day forever, some of the most important events of our history, in the Providence of Almighty God, have signalized it.

On the 50th anniversary of this great national jubilee died John Adams, aged 91 years, and Thomas Jefferson, aged 83 years, the two most prominent signers of the Declaration of Independence. After they had accomplished all the great objects of their lives, and crowned with honor and glory and with mature years, at the very time they had desired, on the 4th day of July, 1826, in the very hour of public rejoicing, while their own names were on all tongues, and while the sound of a nation's joy, rushing from our cities, ringing from our valleys, and echoing from our hills, was breaking on their ears, the freed spirits of John Adams and Thomas Jefferson took their flight together, and ascended to the God who gave them.

But again, as if to make the day forever consecrate to freedom and forever memorable in the annals of mankind, General Meade and the armies of the Potomac celebrated the 4th of July, 1862, in the grand battle of Gettysburg, on which depended as mighty issues as ever hung on the fortunes of a single field, and drove the rebel hordes across the Potomac to the tune of Yankee Doodle. [Cheers.] And all was quiet on the Potomac for a season, while Grant and Sherman, with the grand army of the Northwest, stormed the battlements of Vicksburg—planted our flag upon the heights where the rebel flag had floated, and amid rejoicings wild and loud, marched in procession through the streets of the rebel stronghold to the glorious tune of Hail Columbia. Happy land. [Cheers.] Thus on the 4th day of July, 1862, the fate of the Army of the East and of the Army of the West, and of the war itself, was decided. The clouds broke from our political horizon, and to-day we meet to celebrate the 4th day of July, 1776, which established, and the 4th day of July, 1865, which preserved to us and perpetuated our independence, power and glory as a people.

We celebrate the 4th day of July, 1776, because then commenced the great experiment whether man is capable of self-government. Our fathers boldly announced to the world in the great and immortal charter of freedom, the Declaration of Independence, the bible of the bold these truths to be self-evident, that all men are created rights of man, which has just been read to you: "We are equal—that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness—that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the gov-

erned. All the great and noble men whose names were attached to the Declaration of Independence, are gone; but I stand up here to-day to say that that Declaration stands in all its original force and vigor—stands, not a single jot or tittle erased—and, by the blessing of God, it will stand forever. [Loud applause.]

They are gone, but the great truths enunciated therein survive, and will survive, a perpetual declaration to all the world, from generation to generation, of man's intrinsic, essential manhood, and of the great, undying, eternal principles of individual and universal human liberty. [Applause.]

The American revolution was begun and fought through ~~for~~ an idea—to establish that man is a man—to vindicate the right of every man to equal rights and to equal citizenship, not by virtue of his birth or fortune, or of his nativity or color, but by virtue of his intrinsic, God-created manhood. Washington, in one of his letters, says: "What is it we are fighting against?—not against paying two cents per pound on tea. No, we are fighting against the right we have all along contended against, to tax us without our consent." Franklin, in writing home from France, said: "In Europe our causes regarded by the masses as the cause of all mankind, and that in fighting for our liberties, we are fighting for theirs." Yes, our fathers were fighting, not against a little tax—not for themselves—but for their posterity and for the world—for man and human rights everywhere, and in all ages.

Our fathers asserted the great principle of the equal, inalienable rights of all men, not upon any abstract deduction of their own reasoning—not upon any mere human dogma—but planting themselves upon the firm foundations of God's eternal truth and justice, they declared that they were endowed, not by man, but by their Creator, with these inalienable rights; and that to secure these, governments were instituted among men, deriving their just power from the governed. Here is the whole principle of the government—that all power originates from the will of the people; that each citizen shall have his equal share in the burdens and in the privileges of the government; that however men may differ from each other in physique or in intellect, or in any of the elements of human character, they are all equal before the law—that so far as civil rights are concerned, each man is not superior or inferior to any other man, and is equally bound with every other man to exercise his powers, his vigilance, designing wisdom and efficiency in the eternal duty of guiding, preserving and protecting the state [applause]; and that in all cases the will of a majority, not of any favored portion, but of all the people, shall be the law of the land.

For these great truths our fathers struggled round about the camps of liberty in the days that tried men's souls; for these the Declaration of Independence was announced, proclaiming the glad tidings of "liberty throughout the land and to all the inhabitants thereof;" for these our exquisitely adjusted form of federal and

than that of the poor slaves themselves, as will be testified to you by the officers and soldiers who have seen them at their homes in the South, as well as by your own observation of the prisoners which we have had in our custody. It will not follow the history: the fierce, exacting, domineering, bullying spirit of slavery in our national capital—its attempt to establish itself by force upon the territory of bleeding Kansas, &c., but simply say that its front became so brazen, and its aims and demands were at such hostile variance with our free institutions, that it became evident that the two systems of freedom and slavery could not exist in the same land; and the great emancipator, Abraham Lincoln, defined and proclaimed what long had been the convictions of our good and patriotic statesmen, that the nation could not remain half slave and half free—that a house divided against itself can not stand. When the slaveholders discovered that their power must decrease by the admission of new free states, and they could no longer rely implicitly upon the co-operation of Northern sympathizers, and that there was a strong and fixed determination in the free States to resist further encroachment, they waxed wroth, and in the pride and insolence which the system had engendered, they drew the sword and struck at the heart of the nation; raised the banner of revolt; went out of the Union; organized war; fired upon our flag, and forced us, in self-defense, into that bloody and destructive war, which, thank God and the strong right arms of our brave boys, has resulted in the total extermination of the accursed monster, and the restoration of our flag wherever traitor hands had pulled it down. [Applause.]

I feel highly honored to day that I have the opportunity of meeting so many of our returned officers and soldiers here, for somehow I cannot divest myself of the feeling that I have been in the war myself, and am a returned soldier, although I have only on one or two occasions smelt the gunpowder of the enemy. [Laughter.] Yet under my administration the State of Illinois has sent nearly two hundred thousand brave volunteers to the field, as will be testified to you by my noble and great Adjutant General, who has kept a faithful record, and who himself, if not in actual battle, has been a gallant soldier in the war. I have aided in raising, equipping, and providing for the wants, and comfort, and health of our troops; have signed the commissions of nearly all the officers appointed in our State, from that of Lieutenant General Grant down to the lowest commissioned officer. Instead of four years of easy, dignified leisure, signing the commissions of Justices of the Peace and Notaries Public, and going to Europe, as a Governor may be supposed to do, my time for the last four years has been absorbed in conference with and correspondence with the government at Washington, and with the officers and soldiers, and in anxious thought for their success and interests, and for their welfare; doing all I could in my feeble way to relieve the wants of the soldiers, and for a vigorous prosecution of the war. [Applause.] And, though I have not been in the thickest of the fray, as you have been, while you have been driving the enemy in the front, I have kept up a deadly and destructive fire upon the enemy in the rear. [Applause.]

Soldiers, Peace hath her victories as well as War. You must remember that I was Commander-in-Chief of the army and navy of Illinois! Well, in the month of June 1863, I heard that a large detachment of the enemy had taken possession and fortified themselves in the State House at Springfield, and after declaring that they were for peace—that the war was unrighteous, unholy, &c., and the South could not be conquered; they resolved to usurp the powers of their commander-in-chief, and to run the government upon the style and manner of the rebel States. [Laughter.] I sent out a party of reconnaissance, called my staff, Lieutenant General Hoffman, Adjutant General Fuller, Colonel "Uncle Jesse," Adjutant O. M. Hatch, and Quartermaster Col. S. S. Mann, and military correspondent Col. Joe Forrest, and after mature deliberation resolved to attack the enemy in his stronghold, and put them to rout or die in the last ditch. [Laughter.] I then went to work and prepared a leaden missile, which Ike Cook called a "perorgue" (great laughter), and as soon as it was finished went and fired into the ranks of the enemy, and such a grand skedaddle you have not seen since the evacuation of Atlanta. [Laughter.] Col. Buckmaster, with great valor and stratagem, tried to rally the copperheads and restore order to his broken columns, but finding all his efforts ineffectual, he flashed his speaker's hammer in fiery circles, and cried out, "Boys, each of you take his

bat and save himself." [Great laughter and repeated cheering.] While, therefore, I take to myself none of the honor, yet I can but feel to rejoice with exceeding great joy to-day, that after four years of trial, suffering, sometimes with prosperous, sometimes with adverse fortune, your labors have not been a failure, but victory on every hand has crowned your arms, and now there is no fire in the front, and none in the rear. [Applause.] This is indeed a proud day for you, for the storm has passed away, and the morning sun, as he rose in majesty, glory and beauty on this Fourth of July, shines upon our land triumphant over the grave of treason, and disenthralled from the shackles and curse of slavery—over a land to which peace and union are restored, and where all her millions, from North to South, from East to West, and all, all are free. [Great cheering.]

Officers and soldiers, we have watched your course. You have done well—mightily well. Your devotion to your country is full of sublimity, and your achievements not surpassed by the veterans of the ancient republics, whose patriotism and deeds of valor have been the theme of history, poetry and song for over a thousand years. You have given Illinois a great fame throughout the civilized world; to be an Illinoisian, to have been an Illinois soldier was to be everything that had the import of a great name, and synonymous with everything that was sublime in patriotism, noble in daring, or great in achievement; for while her sons have nobly fought and bravely fell on every battle field of the war, there is not a single blot upon the blazing star which answers to her name in the glorious galaxy of the thirty-four. She gave to the nation a President, the most magnificent man in the world; [cheers] she gave to the army the world's great commander, and a host of distinguished Generals—Logan, Palmer, Oglesby, Grierson and numerous others—and colonels and officers of every grade, unequalled for their skill and bravery. [Great cheering.] And thank God, the people of this country—our wise men and beautiful women—are disposed to pay honor to whom honor is due; and the private soldier who for small pay has sundered every domestic tie, and faithfully for three years fought in the ranks, enduring the heat and cold, trudging through mud and rain and snow and swamps, and in the front rank where deadly hail of shot and shell falls thickest, and the groans of the dying are loud, it is as much entitled to the warm grasp of our hand and the affection of our hearts, as the proudest major general who ever wore a star upon his shoulder. They fight, they suffer and they die; and though their names are scarce heard in print, though nameless and unknown save to a small circle, yet they are the untiring, impregnable and first and last reliance of a free people in its hour of extremity and danger; and while I give all honor to the immortal Sherman, the unequalled Grant, yet I say, I would ever say, God bless the American private soldier. [Cheering.] I am also proud on your account, fellow-citizens, that I can stand up here to-day and say that no county in the State has more nobly sustained the government, or more liberally contributed in men and means, than the glorious county of Kane. While she has sent out the flower of her youth to do battle for the Union, she has had at home a gallant army of patriotic men and noble-hearted women, who have labored by day and by night to mitigate the severities of the campaign by large and munificent contributions to our State and Sanitary Commissions, and also in sustaining and strengthening the hands of your loyal State officers at home. [Applause.] And perhaps many of you will be surprised to hear that Kane county has furnished as will be you had by Adjutant General Fuller, who has kept the record, and can give you the name of every man, which no other man could do but Fuller, an army itself; and I verily believe, that with Gen. Lynch or Col. Joslyn at their head, they could march to the balls of the Montezumas and frighten Mr. Maximilian from his throne. [Loud cheering, and cries of "God, God."] Soldiers, you have been the best politicians I ever knew. You have thoroughly understood the rights of our erring Southern brethren, and, instead of getting peace by long-winded compromises, you have conquered the only practicable and lasting peace at the point of the bayonet and mouth of the cannon, and you have given a most salutary lesson to the haughty, aristocratic chivalry of the South, by letting them know that there were good and brave people in the world as well as they, and that they could not trample upon the laws and upset the government with impunity. [Applause.] You have travelled the whole circuit of the rebellion—down the Mississippi, the Cumberland, and the Tennes-

see—through Mississippi, and Tennessee, and Alabama, and Georgia, to the sea; you expected a fight, but old Billy could not get it out of them—they would not fight, for the great Sherman—

"He was monarch of all he surveyed,

His rights there were none to dispute;"

[applause,] while

"From *Cairo* all round to the sea,

You were lords of the FOWLD THE BRUTE."

[Great laughter and cheering.]

Thence you went through the swamps of South Carolina to Raleigh, in North Carolina, and after a universal skedaddle of the whole rebel crew, and the capture of one old woman, crinoline, boots and all, [laughter] you went to the proud capital of the country, where you witnessed the grandest military pageant and gave the nation the grandest military review ever witnessed in the tide of time, and then you came home, through many States, by easy stages, and here you are to-day, the happiest lot of soldiers I ever saw, kissing your wives, and I don't know but your sweethearts too, [laughter and cheers] and your old Governor, Dick No. 1, [applause] is talking to you, the happiest fellow in the whole lot—and Fuller next. Why, boys, you have learned more practical geography than you could learn at college in a year with half a dozen globes. What's the use of a globe after you have walked over it, and nearly kicked it to pieces? [Laughter and applause] You have traversed the great rivers, lakes, bayous, swamps, plains, mountains, cities, orange groves, sunny fields and cane brakes; but wherever you have been you have carried the old flag in honor and triumph, and planted it where no ruthless traitor-hand has dared to take it down [Cheers.] You have participated in most of the great battles of this great war, and for many of the most shining victories we are indebted to your unflinching prowess, your noble deeds and gallant daring. Donelson, Pea Ridge, Shiloh, Corinth, Hatchie, Arkansas Post, Port Gibson, Raymond, Jackson, Champion Hills, Vicksburg, Perryville, Stone River, Chickamauga, Lookout Mountain, Mission Ridge, Resaca, Dallas, Peach Tree Creek, Atlanta, Bentonville, Goldsboro, are emblazoned on your banners—and the 8th Cavalry at Gettysburg and in almost every battle with the Army of the Potomac. [Great cheers and waving of handkerchiefs.]

All hail, glorious banners of the stars! proud emblem of the freedom, of the nationality of the undivided and indivisible U. S. A. (Cheers.) Ah! old tattered banners repo-ing quietly in your places among the archives of the State, where General Fuller and myself have placed them to be kept forever. They are not so bright as when first their silken and starry folds were placed by Columbia's fair daughters in the hands of their country's brave defenders, but each one is history in itself—how many leagues have they been borne, how they tell of scenes of trial, of the long march, of hissing minie balls, screaming shell, and gleaming bayonet, and the cannon's loud and dreadful roar. Not so bright, but now they have a consecrated meaning, and every star and every rag, and every bullet-pierced fold is eloquent of liberty, union, and glorious victory. (Great cheering.)

Of the thousands of troops which Kane county sent to the field, it is not a high estimate to say that a large proportion have died in actual battles, or from wounds or disease contracted in the service. Ah! they sleep in honored graves far away from their loved ones, in Shiloh's bloody woods, on the cloud-enveloped summits of Lookout Mountain, on the banks of our rivers, in the sands of the ocean shore, in narrow little cells they sleep, and there they will sleep till the morning of the resurrection. They died for their country—it may be one, two, three and four from the same roof—filling the land with bereaved widows, homeless orphans, weeping Richels and sorrowing Jacobs—it may be the first and only born—first and only pledge of wedded love—the last tie is sundered, the last link is broken. Ah, you may build to the martyred dead a monumental pyramid of solid marble which shall pierce the skies, or fill the vast fields of unathomed space with heaps of shining gold, but you will never pay that fond mother for the loss of that darling boy who laid down his life upon the altar of his country. And yet his grave is an immortal name, and his memory will be cherished by men, in all the cycles of the future, as long as the love of exalted virtues or disinterested patriotism shall sway the impulses of the human heart, and

"Oh! if there be on this earthly sphere
A boon, an offering Heaven holds dear,
Sure 'tis the last Abolition liberty draws
From the heart that suffers and bleeds in her cause."

[Great sensation.] But the living are left with us—the wounded and the disabled, the widow and the orphan, the sorrowing and the stricken, the needy and the destitute—and will we not honor the dead by comforting the living; and will we not, so far as in us lies, provide for the relief and support of every destitute widow, and for the support and education of every indigent orphan of the deceased and disabled soldier? I have twice recommended to the Legislature to set apart a special fund for this purpose. And I now desire to say to the people of Kane county, and every county, that all the glory she has received in this war will be tarnished, if, with all her wealth and resources, anywhere in her boundary a single boy or girl of one of her deceased or disabled soldiers shall suffer for want of that support which the manly arm of the father might have given. (Cheers, and cries of that's so.) He stood between you and your enemies a living wall of fire; and now as the crippled soldier hobbles along on his crutch, saying, "I lost this leg as we scaled the heights of Donelson, this arm as we drove the enemy at the Hatchie, this eye as we climbed the heights of Mission Ridge; or the poor wounded soldier on the battle field, having seen the sun for the last time, and thinks of the dear ones at home, the hurried question runs through his mind, Who shall protect my wife amid the cold charities of an unfriendly world? and sends to you and me the prayer, "Let my rude and unhalloved hand be laid on that bright-eyed boy and girl of mine." [Sensation.] No, fellow-citizens, they are the children of the State and the country, and there are two things which I would do. I would make it the duty of the County Court to levy a tax—it will not be a large one, nor of many years continuance—to be legalized by the Legislature, and most sacredly to be applied to the support of every poor disabled soldier and soldier's widow, and for the support and education of every soldier's orphan. [Cheers.] Another thing, I would select in the cemetery of your county seat—a beautiful piece of ground, which I would ornament with gravel walks and shade trees, and erect in the centre a beautiful monument of marble or granite, on which I would record in plain letters the name, with the number of his company and regiment, and the place and date of his death of every officer and private of Kane county who had died a glorious martyr to his country. (Cheers.)

Officers and soldiers, it is not simply that you have fought bravely and well—that you have borne our flag farther than the legions of Caesar bore the Roman eagles over the conquered provinces of the world—it is not all these things which entitles you to the gratitude of the world, so much as the high and sacred cause for which you fought. Your brave comrades have died, and you have risked your lives that the nation and the Union might live, and you have proclaimed at the point of the bayonet the divine right of all men to be free. (Applause.) Had you failed, what anarchy, what ruin would have followed! Whose farms or fields would have been worth a dollar? Our own bright Illinois, our heaven-favored heritage, our land flowing with milk and honey, would be overrun with rebel hordes and robbing murdering guerrillas, our wives and children fleeing from their homes—armies would be marching, and commanders winning their victories, our borders would blaze with bayonets and bristle with cannon, the land would flame with burning towns and cities, our Union would be dissolved, the experiment of self-government would have failed, while a wail of woe went up from the lovers of liberty throughout the world, despots would raise a hideous yell over the expiring liberties of our country. (Great cheering.)

But thanks to you, you have not failed; you have carried our country through the most fiery ordeal which no other nation could have withstood. You have silenced forever the clamors of English statesmen that a government of the people could not withstand the convulsions of civil war. While you have driven back the enemy on the other side of the Mississippi, on this side we have pushed forward the arts of peace, quietly conducted the country through a Presidential election, kept up the machinery of regular government, and maintained the public order to the astonishment of the world. And to-day this great government stands self-possessed, not a nerve or muscle weakened or relaxed, with all its hitherto dormant but stern and mighty energies developed and made strong and available, till to-day we

are the most honored and the most feared nation in the world, and could defy the world in arms. But thanks to you, the accursed blot of human slavery, which has divided and distracted us at home and sullied our name abroad, is wiped out, and every man in America is free [Great cheering.]

All hail, mighty day! Thank God I have lived to see the principles go up in ten years which went down in 1855; when I can see, plain as the sun at noonday, the glittering standard of the nation's redemption, and when borne on the wings of the winds I hear the picket of the highlanders—the slogan shout of universal emancipation. All hail glorious sister, Missouri! Come with renewed heart; come with bright and beaming eyes, and fair and throbbing bosom, into the family of free States. (Cheers.) All hail my Maryland, thou who stonest the prophets, for a great light has shown upon thy road to Damascus. All hail Tennessee, and Andy Johnson, and especially Parson Brownlow. (Applause.) All hail Georgia, and "good-bye, massa Stephens, for Old Shady am a coming." (Cheers.) All hail naughty, erring little sister, South Carolina; come and lay thy peevish, pious, tumultuous little cheeks upon the bosom of thy father, Andy, and say, Father, I have sinned, and am no longer worthy. (Cheers and laughter.) All hail Mississippi; come because Jeff has fallen in the last ditch. (Laughter.) All hail Old Virginia; come shouting the mighty American Marysells, "Glory! Glory! John Brown's Soul is Marching On!" And hail, all the sisters with joined hands, all hail; forever all hail United States of America, for in all your broad boundaries from ocean to ocean, and from Maine to Oregon, all thy children are free.

[This part of the speech was received with tumultuous cheering.]

There is great uneasiness in the minds of sympathizers with treason, that the nation had incurred by the war a great national debt, which the country will never pay. What a set of ill-omened birds this age is afflicted with, who always have a nightmare upon their affrighted visions. We can't coerce a State—we can't subjugate the South—we can't pay the expenses of the war—we can't do away with slavery, and now we can't pay the national debt. Now, my dear friends, "Let not your spirits be troubled." This great nation, with its increasing millions of people, for now that the only black spot upon our sun—slavery—is removed, emigration will pour into the South and the North from foreign countries like an avalanche, and with our vastly increasing billions of taxable property, the United States will walk forward like a Hercules, not feeling the burden, and the boy is now born who will see the last dollar of our national debt paid off. [Applause.] Some say we will have to repudiate, as they said we would have to back down to the South. As for me, I would brand with the same indelible stain the repudiator and traitor, and hang both together. The only debt we can never pay is the debt we owe our country's brave defenders. [Applause.]

Officers and soldiers, I am not here to lecture you as to your duties, as you go to resume your duties as citizens. If those who predict such a bad state of morals from the returned soldiers and give them good advice, would take care of their own morals, it would be better for society. (Loud cheers, mingled with laughter.) I heard a politician in Chicago, who I suppose, has not seen a bible in six months, drinks five-cent lager and forty rod young Bourbon, say we would have a hell of a time when our returned soldiers were let loose upon the community. Now, thinks I, if you don't keep shady you will have your morals improved. (Laughter.) I can say that for those who are fearful of demoralization among our citizen soldiers, that I have seen many whole regiments disbanded during the last two years, and the officers and soldiers have quietly resumed their former avocations, are orderly and quiet, and I will put them against any other thousand men in the State for good behavior and obedience to the laws (Cries of "that's so," and "good.") The discipline of the soldier is elevating and not corrupting, and I have no fears they will not be gentlemen and good citizens. Our soldiers are not mere hirelings, but they are our brothers and kinsmen, as intelligent as ourselves, who have studied well the principles and objects for which they have fought. All the gold of California could not have induced them to be the target for whole regiments to shoot at, but they are the soldiers of principle, fighting to maintain the right. You who have been fighting to maintain the law. All the marshaled hosts of Sherman's grand army have been fighting to establish the

supremacy of the constitution and laws, and to punish the wicked men who have trampled upon the law and raised the banner of revolt. You have been a great national police to bring criminals to punishment, and now you have restored the authority of public law and the quiet of public order, so that from ocean to ocean the American citizen can traverse the circuit of the Union and feel the protection and the all-abiding supremacy and power of American law. And can we suppose for a moment that those who have been most prompt to restore the authority of law to the land, will be the first to break the law? (Cheers.) I think myself you are a very respectable looking set of gentlemen for Sherman's bummers. (Laughter.) All the advice I have to give you is, to tell you to go home to your wives if you have got a wife. If you ain't got one, capture one. [laughter.] not a Jeff Davis, but a "real" genuine, bona fide, sure enough woman. (Much laughter.) Your fighting for your country won't set you back any. I never saw a real pretty girl bluff who loved a blue coat with brass buttons, (cries of "that's so," and you know she would be monstrous ugly if she had a copperhead in her eye. (Laughter.) Now, boys, I know you are brave, and have faced the cannon's mouth, and have stormed every battery in your way, but there is one battery which you can never storm, and that is the battery of sweet smiles and bright eyes. My head for a football, you'll always surrender on the first ballot. (Laughter and cheers.)

Jeff Davis has proven himself the most illustrious captain of his age—he deals in stratagem—he was smart, and knew well that our boys would not fight or capture a woman, and the only mistake he committed was he was not a woman. (Laughter and applause.) Jeff is like the great Achilles, whose only vulnerable part was his heel. Alas! all the strategy of the great Jeff failed by reason of his boots. What a slight circumstance affects the destiny of man and nations. Rome was notified of the assault of a mighty army by the gabble of a goose and saved. Alas, the fortunes of the Confederate army went down in darkness in consequence of a pair of boots. (Laughter.)

There is no achievement so grand as this last end of the great die-in-the-ditch Confederacy since those times way back in the shady past, whereof the memory of man runneth not to the contrary, to-wit, since those days when Jack and Gill went up the hill after a rail of water. (Great laughter.) Indeed, I know nothing in all my reading in Baron Munchausen, Jack the Giant Killer, nor even the gander fight in Peter Parley or Goody Two Shoes, I don't know which can begin to compare with the splendid and gallant surrender of this great Lion in his lair, the mighty chief of Southern chivalry, and of the great but defunct Confederacy. (Laughter.)

There is one other cause of congratulation for you today. I must congratulate you that whatever may have been the divisions of opinions when you left home; however much the war was denounced; however much you were denounced as Lincoln hirelings and abolition fanatics; however much men said we could never conquer the South, and looked at you askance from under the hat, yet now those old fire-in-the-rear veterans are the very ones to welcome you with the "Io Triumph!" and the "Grand all Hail!" and they shout with a louder shout than your old Union friends. They claim to be the chief priests in the synagogue. (Laughter.) Indeed, I have not seen a copperhead since Lee's surrender. (Laughter.) Whether they were included in the surrender or not, I do not know. At all events, I give them credit for most rapid conversion, and all the zeal of new proselytes, and I especially give them credit for their most remarkable modesty. [Laughter.] I wonder if they could be prevailed on to have some office; if so, I advise you to go straight to the polls and vote for them (over the left.) [Laughter and cheers.]

The war is over—our arms are triumphant—the rebels have long since learned that one Southern man could not whip five Northern men. I suppose they would be willing to pair off even now. [Laughter.] May be they would find that an American citizen of African descent was quite enough for them. (Laughter.) But peace prevails in the land, yet peace brings with it the most complicated questions. I would not cloud the buoyant anticipations with gloom, but we are not yet safe out of the difficulties which have environed the country. Perils surround which are imminent, which will require clear heads and honest and stout hearts to discern and overcome. We are not safe until the great questions in dispute, for which we have fought, have been definitely

and forever settled, and upon such a basis as to prevent the recurrence of another war to mar our peace and endanger the safety of the Union. (All of that's so.) The thought is a horrible one, that, after all the blood and tears and sufferings and expense of this four years, the same bones of contention may be left, and the same rebel spirit may be left to influence our policy, finally to culminate in another fearful and bloody war. And first, it must now be settled, once and forever, that treason is a crime, and it must be punished as such. The leading traitors, or enough of them to vindicate the law, who instigated the rebellion, who stirred up the people to revolt, must be tried, convicted, and hung for their crime of treason, which, the world over, has been pronounced the highest crime known to the law. Unfortunately they have set a precedent, perhaps the most memorable precedent in the history of the world. On the 2d day of December, 1859, a decrepit old man whose head was whitened with the frosts of many winters, when asked why sentence of death should not be pronounced, said, he "never intended murder or treason, or the destruction of property, or to excite or to incite slaves to rebellion, or to make an insurrection. He only intended to make slaves free without the snapping of a gun on either side, and take them to Canada. The New Testament commanded him to remember them that are in bonds as bound with them. I believe to have interfered in behalf of His despised poor was not wrong, but right." On his way to the scaffold he saw a little negro girl gazing at him with wondering face, and he stopped and, stooping down, kissed and blessed her, and taking his place upon the scaffold his spirit went to meet its God. The fiendish spirit of slavery stood by without compassion. Governor Wise, having the power to extend pardon to this poor old man, said no, and all rebellion sent up a shout of rejoicing. And now, when Jeff Davis and Wise, who are responsible for two hundred thousand murders, and for treason black as hell, when they swing from a similar gallows, according to the precedent they have set, they will think, I suppose, in more senses than one, that John Brown's soul is marching on. [Loud cheers.] When Copperheads plead for magnanimity, ask them what they said in behalf of poor old John Brown! Have they ever cried out for magnanimity to other murderers and convicts who have violated the law? And yet for Jeff Davis, who has been a wholesale murderer, who has struck at the life of the whole nation, and filled the red wave of bloody civil war over the land, they say we must be magnanimous. [Sensation.] We shoot the poor deserter and the poor soldier who is found sleeping at his post on guard, but the nation must be magnanimous and not execute Jeff Davis!

The most ponderous volume can never portray the enormous wickedness of these traitors. Barbarities which would have disgraced the most savage nation of antiquity; barbarities shocking in the sight of God and man; the cold-blooded murder and burying alive of our colored troops at Columbus, Port Pillow and other points; the attempted burning of our large cities, regardless of the lives of innocent women and children; the importation of poisoned shirts and garments infected with yellow fever and small pox, to be presented to the President, and to spread pestilence among our soldiers; the starvation in cold blood of 20,000 of our prisoners at Andersonville, with the full knowledge of the leaders, and the cold-blooded murder of the noble Lincoln; and yet for one American to get up in Illinois and preach magnanimity to the infernal traitors who set on foot and connive at these bloody deeds—any such man ought to be hung on the same sour apple tree with Jeff Davis himself. [Loud cheers.] While I would, through magnanimity, and also from necessity, extend pardon to the masses upon their taking the oath, yet I would see that the penalty was executed upon a sufficient number to vindicate the law—not in resentment or malice, but as an example for all time to come. "The law should be a terror to evil-doers, and a praise to them that do well." I would make the name of the traitor odious. I would let the extreme punishment of the law be noted out to him, to stand forever as a warning to all posterity, that whoever he may be, however high his title or proud his name, whoever thrusts himself in the path of this Republic to honor and renown; whoever shall lift a parabolic arm to destroy the government, the union, and the liberties of his country, shall meet a traitor's doom, and his name like that of Arnold, Booth and Davis, be gibbeted on every hill-top throughout the land as a monument of his punishment, and the shame and grief of his country. [Loud applause.]

But England, English Lords and the London Times

advise the government to magnanimity. Now we have stood a great deal from England. At her demand we surrendered Mason and Slidell, the greatest national degradation, in my judgment, to which this country ever submitted. Her governing classes have sympathized and cheered the rebels they have found in London. They have built, armed, equipped and manned British cruisers to prey upon our commerce. They have all the time prayed for and predicted our defeat, and in our darkest hours have given encouragement to the enemy, and we have uncomplainingly submitted to all these things; but there is one thing we won't stand from England and I hope that Secretary Seward will immediately inform Lord Russell that there is one thing we won't stand from her, and that is her advice. All we have to say to her is, mind your own business. We do not interfere in the domestic affairs of any foreign nation, and they shall not interfere with ours. We don't want war, but if forced upon us we would as soon send General Sherman with 500,000 of our veterans over to make a breakfast of Canada as not. [Cheers.] Secretary Seward has expressed the united sentiment of the American people in notifying England to make ample reparation for the injuries sustained by our commerce from the Alabama and of her cruisers—and while we want no war, yet every man, woman and child, and a million of trained veterans, stand ready, at the drop of a hat, whenever the national honor shall require, to go over into Canada some foggy morning and to say, "How are you, Johnny Bull?" [Great cheering.]

But, again, there are other questions to settle. No rebellious State should be permitted to resume its complete political relations with the government until it is clearly manifest that the loyal and not the disloyal element is to have the control of the government. [Cheers.] I would keep that pestiferous State, South Carolina out in the cold, upon probation for a thousand years, unless she gave evidence of fruits meet for repentance, until I was satisfied she was effectually cured of her States rights doctrine of secession; and I would not be cheated by pardoned rebels taking the oath of allegiance, when they are instructed by Reverdy Johnson and others that they can do so without perjury, although they do not intend to observe and abide it. [Cheers.] I have always believed that the States are not out of the Union, and cannot go out, and yet I perfectly agree with Mr. Lincoln, that whether they are or not is not material to the question, for whether in or out of the Union, they have deliberately arrayed themselves in deadly hostility to the government—deliberately, by ordinance of secession and the adoption of the Confederate constitution, declared themselves out of the Union, and by force of arms attempted to destroy the Union and the government; and some way has to be provided by which they are to resume friendly relations with the government, and it is certainly for the government to say upon what terms they may resume those friendly relations. Now I do not propose to make any issue with President Johnson, because it is not necessary, for he himself does not contend that the States are so in the Union, that they could go on now to legislate and send Senators and Representatives to Congress under their old State constitutions, as though no war had happened—for he himself has gone on to state the terms on which they may reform their State governments, and who may vote for the new constitution, which, of course, he could not do if they were to go on as States with the same government they had before the war; for then, under the Constitution, these States would fix the qualifications of the electors without any interference from the President or from Congress. But President Johnson has evidently taken the other view of the question, that, in States in rebellion, the national authorities are to have control until the State is restored to its former condition. He is not blindly committed to any one particular policy; but, as Mr. Lincoln did, is feeling his way. I have every confidence in him. I sat in the House of Representatives with him fifteen years ago, since which he has been in public life ever since as Representative, Senator, and Governor, and has a rich and large experience and matured judgment as a statesman, besides a warm heart for the people of every color. So far, President Johnson has only invited those residents of the States who were formerly voters, and who take the oath of allegiance, and are loyal, to form a constitution and to present such a republican form of State Governments as will entitle the State to the guaranty of the United States, therefore, [Cheers, and cries of "that's so!"]

The final decision is left with Congress—whether the States are merely in allegiance, or whether, by their revolt, they are reamended to a territorial condition, the

people of the State are to return to the National Union under a republican form of government, and Congress can decide whether the new State Government is Republican in form or not. In the admission of Louisiana as a State, Congress went so far as to prescribe in advance certain specific measures which were to be inserted in the Constitution, and which were afterwards decided by the Superior Court of the United States to be constitutional, in the case of *Perrini vs. the first municipality of New Orleans*. As a Senator of the United State, certainly I could consider no State Government Republican in form which was at variance with the fundamental principles of our republican institutions which denied the equality of all men before the law; which set aside the principle that governments justly exist by the consent of the governed, and that taxation and representation must go together. Applause. If I am wrong, the government is wrong. And I am here today to say that I could approve of no State government whose constitution or bill of rights does not deny, in express words, this right of a State to secede from the Union, and which does not provide that slavery shall be finally and forever abolished and prohibited, so that not even a root, seed, or grease spot shall remain of this sum of all villainies, the accursed system which has been the fountain of all our troubles, and of the fratricidal and bloody war which has desolated the land. Great cheering.

Again, it should be expressly provided that the leaders of the rebellion who have held offices, civil or military, under the Confederate Government, should be disfranchised and forever debarred the right of suffrage and the right to hold any office of honor or profit under the Government of the United States. Again, I would confer the right of suffrage upon all loyal men. Applause. I will not, by any act of mine, open the portals of the American ballot-box to pardoned rebels, whose hands are stained with treason, and are dripping with the blood of our brave soldier boys, and deny it to the poor colored man who has proved his allegiance to his country by brave and heroic deeds. Applause. They have rallied round the flag—he has brought a stalwart arm and a courageous heart to his government in the hour of its extremity and fearful need, and it would be the shame of the century and the age if he is to be disfranchised and left without a voice to such barbarous legislation as his rebel masters would frame for him. [Cheers, and cries of "that's so."] Let me tell politicians that there is no half-way house in this matter, and the negro will surely be allowed the right of suffrage. Cheers. The moment the government decided that his aid was necessary to save the government, and put arms into his hands, the question was settled, because to bear arms is the highest position of honor, and if he was good enough to fight in the ranks side by side with our brave boys in blue, he is good enough to go to the polls and kill off the vote of a rebel or a copperhead. Loud cheers. If citizens in war, why not citizens in peace? They vote in many of the free States, and no harm has followed, and no complaint is made, and why not in the rebel States, especially as they constitute the principal part of the loyal people of those States, and, if not permitted to vote, every rebel State will send disloyal men to Congress, ready and plotting to precipitate the nation into internecine war whenever the South, through Northern co-operation, might deem it safe to strike for their independence. Cheers. You say I am radical. Well, every thing that is right is radically right, and every thing that is wrong is radically wrong, and the conservative claims that he is neither one nor the other, and I am glad that God and the people are against conservatives. Cheers and much laughter. "I would that you were hot or cold," says Holy Writ, "and, because you are neither hot nor cold, I will spew you out of my mouth." Cheers and laughter. Why can we not learn that what is just is always expedient? (Cheers.) The idea of expediency is the father of all the compromises which have brought woe upon our land. Let us learn from high and holy authority to hold fast to "whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure—to abhor that which is evil and cleave to that which is good." (Cheers.) I have been successful as most men, and years ago I faced the frowns of an indignant public sentiment by going to the polls and voting against the amendment to the State Constitution prohibiting negroes from coming to the State of Illinois (Cheers.) I have ever advocated the sweeping of the black laws from our statutes with a swift and resistless hand, and had the pleasure after so long a time, of seeing the last Legislature comply with the recommendation

of my message in that regard. (Cheers.) As Governor of your State, in every case where malicious men have pursued the poor negro under the black laws to fines, imprisonment and sale, I have granted a full pardon; and when asked the reason, I have simply answered that I pardoned him for being black—that God has made of one blood all nations of men to dwell upon the face of the earth. (Cheers.) I did it because the laws were unconstitutional, and because I would not disgrace the age and country in which I live, or allow the courts to occupy their time in enforcing such a barbarous law. I thank God that I have never cast a vote or uttered a sentiment against human freedom; and no loud alarms of popular applause, no shining height of human power shall ever seduce me to give up the God-given sentiments of my heart in favor of freedom and humanity. I believe that the right to vote is a most elevating process, and holds out the greatest inducements to education and preparation for its proper exercise. And for this reason I hold out the elective franchise freely to every poor wanderer from foreign oppression that he may at once commence preparation for the high duties of an American citizen. (Cheers.)

You say the negro is not intelligent enough to vote, but this test would lead to the disfranchisement of a large portion of the whites. Moreover, the perpetuity of our institutions depends not alone on the intelligence, but on the intelligence and virtue of the people. The negroes have had sense enough to be loyal, and fight for the government; while their masters have only had sense enough to be traitors, and to fight against their country. I say our government exists by the virtue as well as the intelligence of the people, and while the negroes are not as literary as their aristocratic master, nor more learned than the poor whites, they have more virtue and honesty than both put together.

And lastly, we are making the experiment of self-government, and that test can never be properly made except by allowing all to vote, and giving the majority the right to rule. This is the genius of our government. I am willing to trust it, and believe that with those principles our glorious government, founded on the will of all, protected by the power of all, and protecting the rights of all, will survive all the storms of internal convulsions, can defy the world combined—and rising higher and higher in grandeur and in glory, will be the happiest, freest, and most honored nation among the nations of the world. (Cheers.) Then I am here today fearlessly to proclaim my creed, and to stand or fall by it. Now, here, elsewhere, always. I am against secession and slavery, for an undivided Union, for universal freedom, and for universal suffrage. [Great Cheering.]

If slavery had any lease for longer life, when it laid its assassin hand upon the life of the noble Lincoln for that last fearful crime its last lingering breath would be driven from its accursed body. Abraham Lincoln lived long enough to lead us through the Red Sea of this terrible war; he laid down the true policy upon which this nation is to live, and in his speeches, letters, messages, proclamations and great acts, he has left us lessons enough to guide us in all our duties as citizens, and in all our public affairs. Hundreds of books will be written, but were my object simply to make him immortal through all time, it would be enough, all else would be waste of paper, to say that on the 1st of January, 1865, Abraham Lincoln, the great emancipator, issued his proclamation of emancipation and gave freedom to his country, and to a long oppressed race.—Great cheering.—Abraham Lincoln—let us name the name once again in solemn, reverent silence, and leave it in deathless, undying splendor, forever shining on.

But though slavery and treason assassinated our President the government still lives. One of the saddest pages of our history will be that on the day the death of the chief of the nation, in the room of an obscure hotel in the city of Washington, the oath of office was administered by Chief Justice Chase to the new President in the presence of a half dozen friends—of whom I was one—and straight forward without a jar the government moved majestically onward as though no calamity had fallen upon the nation. The assassin may slay an hundred presidents, but thank God the great government of the United States shall stand, and the gates of hell and death shall not prevail against it.—Great cheering.—Our government, by reason of the fiery ordeal through which it has passed, will be more honored, respected and feared throughout the world than ever before; and standing over the grave of treason with the eyes of the good God beaming upon

us, and with new and increasing faith in the capacity of man for self-government : like Miriam the prophetess we will raise our songs of triumph on the banks of our deliverance and joyfully sing, "Praise ye the Lord, for He hath gloriously triumphed, and the horse and rider hath he thrown into the sea."— Tremendous cheering.

The Governor was repeatedly cheered during the delivery of his speech, especially that part in which he defined his views on the suffrage question. At its close he was again greeted with enthusiastic cheers, and the people crowded around him to take him by the hand.

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THE ONLY SALVATION, EQUALITY OF RIGHTS.

SPEECH

OF

HON. RICHARD YATES, OF ILLINOIS,

IN THE SENATE OF THE UNITED STATES, FEBRUARY 19, 1863.

The Senate having under consideration the joint resolution (H. R. No. 51) proposing to amend the Constitution of the United States—

Mr. YATES said:

Mr. PRESIDENT: I send to the desk to be read Senate bill No. 106, which I introduced on the 29th January last, and in favor of which I propose to speak to-day.

The Secretary read the following bill:

A bill to protect citizens of the United States in their civil and political rights.

Whereas the Constitution of the United States abolishes slavery in all the States and Territories of the United States, whereby all constitutions, laws, or regulations of any State or Territory in aid of slavery or growing out of the same are null and void; and whereas, by virtue of said abolition of slavery, all men in all the States and Territories are citizens, entitled to all the rights and privileges of citizens, subject only to the legal disabilities applicable to white persons; and whereas, also, it is expressly provided that Congress shall have power to enforce by appropriate legislation the aforesaid power abolishing slavery, which cannot be done without protecting all citizens against all restrictions, penalties, or deprivations of right resulting from slavery, and securing to them all their civil and political rights, including the elective franchise: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no State or Territory of the United States shall, by any constitution, law, or other regulation whatever, heretofore in force or hereafter to be adopted, make or enforce, or in any manner recognize any distinction between citizens of the United States or of any State or Territory on account of race or color or condition, and that hereafter all citizens, without distinction of race, color, or condition, shall be protected in the full and equal enjoyment and exercise of all their civil and political rights, including the right of suffrage.

Mr. YATES. I confess, sir, to some embarrassment in addressing the Senate at this time, and the greater because I know that the positions which I assume will be different from those of honorable Senators for whose opinions I have very great respect, and to whom it would seem becoming that one so humble as myself should defer. But, sir, the opinions which I have seem to me very important; and it appears to me that I cannot discharge my duty as a

representative of the State which I have the honor in part to represent on this floor without expressing them. In doing so, it is with the conviction that this question, as was remarked by the distinguished Senator from Indiana [Mr. HENDRICKS] the other day, is the gravest which has ever been discussed by the American Senate. The duty of this Congress, it seems to me, is one of tremendous responsibility. Our action ought not only to be effectual, but it ought to be timely and final. A mistake now will be fatal. Delays breed danger. We ought to do to-day what it will be too late to do to-morrow. It will not do to receive the rebellious States into full fellowship in the Union now, because they are not fit to come in. It will not do to keep them out, for it is dangerous to keep them out too long. We desire a restored Union. In union there is strength; but in union there is weakness if the parts, like oil and water, will not coalesce. A rope of sand will not hold together. We should aim to do what Mr. Lincoln almost always did, the right thing at the right time, in the right way, and at the right place. It should be our aim as legislators to legislate, not for a part of the country only, but for the whole country, upon principles that will stand the test of time by standing the test of impartiality, of equality, of justice, and righteousness.

And, sir, if this Congress having the power, as I believe it clearly has, by a general law to restore, through harmonious adjustment, the rebellious States, instead of fearlessly and promptly exercising that power, waits for some constitutional amendment which cannot be adopted, or which if adopted is not founded on correct principles, we shall be recreant to our duty, and we shall incur and deserve to incur the reproach of the nation and of mankind.

In discussing the bill which I have had the honor to introduce, I shall not attempt to controvert any of the principles which have been entertained heretofore by either the Republican Union party or the Democratic party so far as

the jurisdiction of the States over the question of slavery was concerned under the Constitution of the United States; nor shall I controvert the proposition that the States have the power under the second section of the first article of the Constitution to regulate the qualifications of the electors in the States. I shall attempt to show, on the other hand, that by the amendment to the Constitution abolishing slavery, Congress already has the power by a general law to do all that is proposed to be done by the various amendments which have been submitted to both Houses of Congress. If we shall fail, having that power, to exercise it, then by reason of the long and dangerous delay which will occur, and by reason of the almost criminal omission on the part of Congress to exercise its plain constitutional duty, this Government is in danger of passing into the hands of a party whose action and sympathies have been opposed to the prosecution of the war for the suppression of the rebellion, who voted our glorious war a miserable failure at the expiration of four years of brilliant service, who opposed the proclamation of emancipation, who opposed the amendment abolishing slavery in all the States and Territories in the United States, who tomorrow, if they had the power, would repeal your test oaths, who would pardon Jeff. Davis, who at this very session of Congress are upon the record in opposition to the protection of the rights of the freedmen, and who stand ready now to receive in the Senate and House of Representatives Senators and Representatives-elect fresh from secession State Legislatures and from battle-fields where their hands were imbrued in the blood of our loyal countrymen.

This is the aspect of affairs as it seems to me to-day. There is only one way of salvation for the country. Your amendments to the Constitution of the United States cannot be adopted. If we have not the power now under the Constitution of the United States to secure full freedom, then, sir, we shall not have it, and there is no salvation whatever for the country. Let not freedom die in the house and by the hands of her friends.

Mr. President, the work of reconstructing a Government, of restoring rebellious States to their former condition, is a more difficult work than building up a new Government. The statesmanship which attempts to restore rebellious and shattered States to their former relations to the Government must encounter prejudices growing out of local State governments, State regulations, the conventionalities and usages of society, judicial decisions, the conflicts of Federal and State authority, and all the numerous and divergent opinions of men with regard to the fundamental rights of the citizen and the mode of securing those rights and administering the Government.

The work of our fathers, though one of sublime magnitude, as herculean as it was grand, yet was an exceedingly simple one. Though its fundamental object, to carry out their principles by the machinery of well-adjusted and regulated

government, required the picked men of the world, whom God in His kind providence furnished the nation, yet the object they had in view was exceedingly plain, simple, and easy to be understood. What was that object? To establish freedom, to secure equality to all men, to secure the right of the majority to rule; or, to use the language of the present President of the United States, "to secure exact justice to all men; special privileges to none." Who will deny that these were the objects for which the Revolution was fought, and for which the Declaration of Independence was made?

These being the objects of our fathers, I do not deny that when they came to form a Government they encountered an institution which was hostile to the principle which they attempted to establish. I do not deny that in an evil hour of compromise, for the sake of concord among the States and to secure the adoption of the Constitution, they most reluctantly recognized the institution of slavery in the Constitution of the United States, as is proven by the fact that representation was denied to the colored man in the slave States except through the white electors, and the other clause of the Constitution which permitted the forcible arrest of the fugitive slave and his return to his master. But it was from no fault of the principles of our fathers that our national troubles sprang up; it was from a departure from their principles in the respect to which I have alluded. Slavery, which they supposed to be so small an element, which they supposed to be temporary in its character, which they in their hearts believed the States themselves would very soon abolish, grew from a few persons to millions in number, and the institution became so profitable and so cherished that the leaders of the South finally planted themselves upon it as the very basis and corner-stone of society and government. Two systems of government and civil society existed in the country, two systems of labor, both supported by great and powerful interests and energies, warring, jarring, antagonistic, belligerent, each striving for supremacy. Slavery, in fact, through adroit politicians, became the balance of power, and, wielded and for a time shaped and controlled the policy and legislation of the country. Slavery became almost the Government of the country, and no important question could be discussed in the country except by its relative bearing upon the institution of slavery. It doomed to ignorance, prostitution, and crime nearly four million people, appropriated the proceeds of their labor, enforced ignorance upon them by severe penalties against education, and secured obedience by the lash, the revolver, and the bloodhound. The slaveholder, rioting in wealth from the bended back and shrill agonies of the crouching slave, became arrogant and aristocratic, and learned not only to believe in African slavery, but boldly to denounce free society as a failure, and hence the condition of the poor white man of the South became scarcely more tolerable than that of the slaves themselves.

But, sir, I will not follow this history, the fierce, domineering, bullying spirit of slavery in our national Capitol, its attempt to establish itself by force upon Kansas, &c., but simply say that its front became so brazen, and its aims and demands were at such hostile variance with our free institutions, that it became evident that the two systems of freedom and slavery could not exist in the same land. And when Abraham Lincoln, the great emancipator, came before the American people to define and to assert the great proposition that this nation could not remain half slave and half free, when the slaveholders saw that the power was departing from them by the admission into the Union of new free States, when they saw that they could no longer rely upon full coöperation from their northern sympathizers, and a resolute spirit in the northern States to resist the further encroachment of slavery, then they waxed wroth, and in the pride and insolence which the system had engendered they drew the sword and struck at the life of the nation. It was under such circumstances as these that the rebel States raised the banner of revolt, ordained themselves out of the Union, fired upon our flag, and forced us into that self-defensive war which, thank God and our brave Army, resulted in the total extermination of the monster slavery, and planted our flag wherever traitor hands had pulled it down.

What was this war about? "State rights." It was a question whether the Constitution and laws of the United States were to be the supreme law of the land, or whether State sovereignty, as it was termed, was to be the supreme law. It was whether a State, at its mere pleasure and volition, had a right to secede from the Union and to establish a separate and independent government. It was State rights, which we now see resuscitated, creeping up again, and peering out from manifestoes in high quarters, and interpolated, in my humble judgment, without any proper connection, into funeral orations. "State rights," which says if Congress attempts to assert its power Kentucky will go out of the Union. "State rights," which the honorable Senator from Maryland says, if Congress attempts to regulate the qualification of electors in the States, they will claim the right to resist the act even to the point of revolution. Let me here say by way of parenthesis, God forbid we should have any more revolution; but, sir, I am here to say—not in the language of threatening, but speaking for the State which I represent, covered all over with glory as she is, having sent two hundred and fifty thousand of her brave volunteers to the field to put down the late rebellion—should traitor hands again fire on the flag, she is just as ready now as she was then to send five hundred thousand more men to crush out the fell spirit of rebellion and disunion. [Great applause in the galleries.]

The PRESIDING OFFICER, (Mr. DOOLITTLE in the chair.) The interruption has been so frequent of late in the gallery that the Chair feels called upon to enforce the order of the

Senate and to direct that the galleries be cleared. The Sergeant-at-Arms will clear the gallery on the right of the Chair.

The Sergeant-at-Arms proceeded to execute the orders of the Presiding Officer.

Mr. GUTHRIE. I think the applause was an inadvertence on the part of the galleries, and I would be very glad if the Chair, on reconsideration, would reverse its order. I will almost pledge myself for the galleries that the disturbance will not be repeated.

Mr. HOWARD. I hope so, too.

The PRESIDING OFFICER. The Chair will submit the question to the Senate whether the order to clear the galleries shall be reversed or not.

The question being put, the order was reversed.

The PRESIDING OFFICER. The Chair understood the suggestion of the Senator from Kentucky to be that the order made by the Chair be reversed with the express understanding that if there is any repetition of the disturbance in the galleries the order will hereafter be strictly enforced.

Mr. GUTHRIE. That is my understanding, and I hope it will never take place again.

The PRESIDING OFFICER. The Chair, therefore, under the direction of the Senate, will withdraw the order to clear the galleries, with that understanding.

Mr. YATES. Yes, sir, "State rights" is again the bugle note! "State rights," as though one refractory child in a family had the right to control not only all his brothers and sisters, but the father from whom he derived being and support. I had in the simplicity of my heart supposed that "State rights," being the issue of the war, had been decided. I had supposed that we had established the proposition that there is a living Federal Government and a Congress of the United States. I do not mean a consolidated Government, but a central Federal Government which, while it allows the States the exercise of all their appropriate functions as local State governments, can hold the States well poised in their appropriate spheres, can secure the enforcement of the constitutional guarantees of republican government, the rights and immunities of citizens in the several States, and carry out all the objects provided for in the preamble of the Constitution, "provide for the common defense," "promote the general welfare," "establish justice," and "secure the blessings of liberty to ourselves and to our posterity."

Is it to be pretended now that we are to leave to thirty-six States the determination of the fundamental question of citizenship? Can it be expected that the local politicians of the States will adjust upon a right basis the relations of the freedmen? Why shall we throw this bone of contention again into the States to breed a new and dangerous agitation? If we leave these questions to an outside power, to the Congress of the United States, who exercises its power according to the Constitution

and under the Constitution, even if it confers suffrage upon the freedman, all will submit and rejoice in the end. They are even now prepared to surrender these questions upon the ground of the late conquest of the Government. But if we leave them to the States, then we have no security for the citizen; we cannot have uniformity of legislation; if we give up to the States the power to decide the fundamental question of citizenship upon which the life of the Government depends, then we must expect wrangling and dissensions of class, which may result in a war quite as bloody and as fatal as that which recently has shrouded our land in the weeds of sorrow.

Let us not commit the fearful error of our fathers by a departure from the organic principles of justice and equal rights, and sow the seeds of a future conflict of races, of future war and permanent disunion.

Mr. President, while I do not agree with all the propositions contained in the able and masterly speech of the Senator from Wisconsin, [Mr. DOOLITTLE,] yet I do agree with him in one proposition, and that is, that these States are not out of the Union. That is what we were fighting about. They appealed to the sword. They threw all they had and all they were into the contest, and they lost, and these States are still in the Union, and by the blessing of Almighty God they shall ever stay in this Union.

But I agree with our late President that this is a most pernicious abstraction. I presume that the difference between gentlemen on this question results from impressions that the legislation of Congress for their reorganization depends upon their *status* in this regard. It is not so at all. To illustrate: both the Senators from Wisconsin, [Messrs. DOOLITTLE and HOWE,] while they disagree so widely on the question whether the States are in the Union, yet they sufficiently agree on all the questions which we are practically to consider. They both agree upon the proposition that to Congress is left the question of reopening our doors to the admission of Senators and Representatives from the rebel States. They both agree upon the other vital question, that these States are not to be permitted to resume their practical relation with the Union until they by their conduct show that they are willing to give an unfeigned and heartfelt allegiance to the Union, or that they are willing to come into the Union upon terms which shall forever settle this question, and upon such a basis as will prevent the recurrence of another war, and secure, if not indemnity for the past, at least security for the future. But, sir, we can accommodate both of these gentlemen without any trouble whatever. The States are in the Union in law; they are out of the Union in fact. So far as any legislation that we propose to apply to them to preserve our territorial integrity and submission to the laws is concerned, they are in the Union, and yet we may regard the rebellious population as out of the Union for all purposes of representation until they comply

with such just requirements as we may impose for securing protection to loyal men and punishment to criminals. The case is anomalous: national self-preservation is the paramount law of our action. We have not treated them either as States in full fellowship, nor entirely as States without government.

It is simply a question of fact whether they are in a condition to be restored to all their rights in the Union or not. Upon that question I am sorry to disagree with my friend from Wisconsin, now in the chair. [Mr. DOOLITTLE.] I have regarded him as a statesman; I still so regard him; and since my acquaintance with him I have feelings for him warmer than admiration. But I cannot account for the delusion—I will take back that term, and say that he is vastly and lamentably at fault when he is willing to open our doors wide to the readmission of the rebellious States into full fellowship into the Union with their present hostile feelings to the United States without further guarantees on their part or protective legislation upon our part. Why, sir, look at the facts that boldly and defiantly stand out upon the record of southern disloyalty, and stare us like ghastly specters in the face. We see the Governor of Alabama appointing two rebel Senators judges of the supreme court but recently. We know that the only passport to southern office, to the Legislature and to Congress, is fidelity in the rebel army and in the rebel cause. We know there is a bitter and unrelenting hostility toward the freedmen who have been emancipated by the constitutional amendment, as is proven by the orders of General Terry in Virginia, General Sickles in South Carolina, General Thomas in Mississippi, and by the general order of General Grant, interposing the strong arm of military authority to prohibit oppressive discriminations against the freedmen in those States. They are as defiant in their dangerous dogma of State sovereignty as when the war began. They are clamoring for the payment of the rebel debt. They are opposing the payment of the debt incurred by the United States. They are demanding compensation for their slaves. They treat our test oath as a nullity. They jeer our glorious flag. They caricature our institutions in their theaters and public assemblages; and in their hearts they curse the day they were made to submit to the authority of the Union.

Mr. President, does that honorable Senator propose that these States shall be received into this Union, that the rebels shall be allowed to go to the polls and exercise the right of suffrage, while the loyal men who have bared their breasts to the storm of battle in obedience to the call of Abraham Lincoln, and with his promise that they should be maintained in their freedom—yes, "*maintained*," that's the word—while they are disfranchised? While the tragedies of the cruel war, traitorously provoked, are fresh in our memories and the blood of our countrymen cries to us from the ground, is my friend from Wisconsin willing to turn over the government of those States to secessionists and rebels, to

the virtual exclusion and disfranchisement of the brave Union men who have borne aloft our flag amid the storm and thunder of battle? Sir, until that promise of Abraham Lincoln is redeemed, that the freedmen shall be "maintained in their freedom," is made good to those men who wore the United States uniform, those men who rallied under the glorious folds of our old flag by the side of our brave boys and mingled their warm blood in the same current with theirs upon many a gory battle-field; those men who flashed two hundred thousand bayonets in the face of Jefferson Davis and traitors, I will never consent that those States be received into full brotherhood in the Union. They shall be vouchsafed at least every right which the rebels themselves shall enjoy.

And I appeal to you, Mr. President, I appeal to Senators, by the bloody memories of the war: by the tears of the soldier's widow and the soldier's orphan boy; by the sufferings and miseries and death of three brave men who in obedience to God went forth to fight the battles of the country, and whose bones now lie in unmarked graves upon southern soil; by the grand solemnities which surround the murder and memory of Abraham Lincoln; by the love we bear our country, for which they fought and fell; and by all our hopes for lasting peace and permanent Union, that now, having the power, we will plant the pillars of the Government upon the granite foundations of God's eternal justice and upon the solid principles of individual and universal human liberty.

While I speak thus, I say to the Senator from Wisconsin [Mr. DOOLITTLE] that I will be as prompt as he whenever they by their conduct evince the proper spirit; whenever they show that they renege their old oath of allegiance to the South alone, and will give untainted, heartfelt allegiance to the Government, and will proceed to its constitutional reorganization in form and law equal and impartial to all, I will join that Senator and tell the world here and when we of you, on the land and the sea, and over all the States reunited, high over all, shall float the star-spangled banner.

Sir, there is one basis upon which these difficulties can be settled, and only one, and that is to return to the fundamental principles which were aimed to be established by our fathers, and to give rights to those men whom in an evil hour they most recklessly disfranchised. You is the hope of the nation, however high he may be, who expects that we can settle these questions upon any other basis than upon the basis of the principles laid down in the Declaration of Independence. If this Congress does not adopt in the next Congress still, there is I fear it with all the race in this great country, only one salvation. If you do not seize the splendid opportunity, the next Congress will. All your amendments must fail. They lack the motive power. They are like a watch with all its machinery beautifully adapted, but without the mainspring. They are without the motive power, that living element

of republican Governments, the popular will; and without that they cannot be adopted. Is it reasonable to suppose that even all the free States will adopt the amendment which has been reported by the honorable chairman of the committee on reconstruction? I simply submit the proposition, and know the answer of every gentleman. Is it reasonable to suppose that the slave States will either consent to curtail their representation one half, or that they will confer the right of franchise upon the freedmen? And in the mean time are we to keep up a standing army or Freedmen's Bureau, with thousands of officials, to hold them in subjection to the Government? I do not say now that I may or may not vote for any of these amendments. It is not material to my proposition whether I do or not. I may vote for them in view of the one thousandth chance that they may pass. I consider the whole of them imperfect, and as postponing the period of restoration to a day far too remote for the future security and peace of the country. It is entirely immaterial so far as the position I take is concerned, for I contend that Congress has the power now as fully and as completely in every respect as it could be given to them by any amendment to the Constitution, by general law, under the recent amendment, to secure the reorganization of the Government upon the basis of justice and equality.

I believe it was the distinguished Senator from Massachusetts [Mr. WILSON] who said that he did not expect to wait until there was a change of heart in the southern people. I agree with him, and more than that, I say that if we wait until the southern people shall learn to love the Yankees and to hate slavery and to love the Government by whose strong arm and chastening rod they have been whipped into obedience, the time will be long, and I fear so far in the future that in the mean time our long and dangerous delay and our omission to use the power we already clearly have might result in a calamitous change of parties and in the restoration of the rebellious States in a condition quite as objectionable as when they first rebelled with all the chances and probabilities of a future war and final separation.

I hope that Congress will not attempt the impossible task of making the South love the Union, but what I do hope, and what is reasonable to hope, is that we shall remove forever the causes which have divided us, and settle all differences upon principles which will prevent any cause of quarrel or division in the future, and lay the foundation for perpetual peace and union, and which can only be done upon the principles of equality to all, and removing all distinctions of class, race, color, or any prevailing condition growing out of the institution of slavery.

Sir, by the bill which I propose and I call the bill of universal suffrage to the southern States, I seek to remove the cause of the rebellion, but I meet the vital issue of the hour, and pro-

claim that under the Constitution as amended it is not only our right but our duty to extend the suffrage to every American citizen in every State, and to all the country subject to the jurisdiction of the United States.

I also wish, by way of prelude to my argument, to remark that the questions at issue are fundamental; they are organic, and we can arrive at no correct conclusions without investigating all the rights—natural, civil, and political—to which every American citizen is entitled.

It involves the settlement of several questions.

What is slavery?

What is freedom?

Who is a citizen?

Who makes, or how does a person become a citizen?

What are the rights of a citizen?

How are the rights of a citizen secured to him?

These questions are asked not in reference to citizenship in some foreign Government, not in reference to the common law, but in reference to the United States of America, where we have founded a Government upon the basis of equal laws and universal liberty. All these questions I shall not answer in detail, but all will be embraced in the positions I shall assume. I will only remark generally that in the United States, on account of the democratic features thereof, all the terms I have used have a distinctive national meaning, applicable to our nation alone. For instance, Webster, in giving the various definitions to the word "citizen," defines that in the United States a citizen means "a person, native or naturalized, who has the privilege of exercising the elective franchise, or the qualifications which enable him to vote for others and to purchase and hold real estate." While I admit that in law others than voters may be citizens, in this country no man considers himself a full citizen till he has the right to vote. The minor does not consider himself free, "his own man," until he can vote. So of the foreigner; and by universal consent the ballot is recognized as the badge of the American citizen.

Since I introduced my bill, the honorable Senator from Massachusetts [Mr. SUMNER] has introduced a bill in which he founds the right to secure universal suffrage to all freemen in the rebellious States upon that clause of the Constitution which "guaranties to every State a republican government," and I understand him to found his argument upon the idea that before the adoption of the amendment to the Constitution, Congress had power to enforce the provisions of that guarantee in every State in the Union. I am sorry to disagree with the honorable gentleman, for the reason I have already stated, that under the late Constitution of the United States, as I understand it, our fathers in an evil hour compromised, and recognized the existence of slavery, and that under a decision of the Supreme Court of the United

States it was decided that a man who was a slave, or who was the descendant of a slave, or who was liable to be bought and sold, or who was excluded from the society of our fathers at the time the Constitution was adopted, was not a citizen, and therefore under that decision the States had the power to exclude black persons from the exercise of the right of suffrage. The Senator from Massachusetts is right, however, in presenting that clause as part of his argument, because under the amendment abolishing slavery no State constitution can be republican in form which disfranchises any citizen of the United States. The bill of the distinguished Senator is objectionable because it is partial and operates only upon the rebellious States.

All, however, turns upon the simple proposition contained in the bill which I have offered, the guarantee to all citizens of their rights under the recent amendment to the Constitution.

Then, sir, I come to the only proposition which is feasible, and which, if not adopted by this Congress, will be by the next. I say this with deference to others.

The recent amendment abolishes slavery in all the States and Territories of the United States; not in South Carolina or Georgia alone, but in Illinois and every other State, and by that amendment, as I understand the distinguished Senator from Kentucky [Mr. GUTHRIE] to admit—and I honor and thank him for the admission—all constitutions, laws, and civil regulations in support of slavery as a matter of course fall to the ground. Congress by this amendment attempted, what? It undertook to secure freedom to four millions of our people who had formerly been in bondage; and how? It has been asked, if slavery is already abolished and all laws and institutions growing out of slavery fall to the ground, why pass a law by Congress to enforce that provision of the Constitution? I will tell you why. Because a law is necessary by the very terms of the second clause of the amendment to give effect and operation to the clause abolishing slavery. "Congress shall have power," to do what? "To enforce;" enforce what? Enforce the foregoing clause of the Constitution abolishing slavery. How shall it enforce it? By legislation. What sort of legislation? By "appropriate legislation." How "appropriate?" By legislation appropriate to the end in view. What is the end in view? It is the freedom of these four million human beings, who have been emancipated into the people of the United States. My distinguished colleague asked the question, is it possible that we will set four million human beings free in the United States and will not guaranty to them the protection of their civil rights? I extend the question, and I ask, shall we set four million human beings free in the United States and not extend to them their political rights? But it is said the right to vote is a mere political right. At the hazard of being a little tedious I shall attempt to show that civil and political rights, according to the construction of the courts, are entirely synony-

mous. Wendell's Blackstone, volume one, page 123, says:

"And, therefore, the principal view of human law is, or ought always to be, to explain, protect, and enforce such rights as are absolute, which in themselves are few and simple; and then such rights as are relative, which arising from a variety of connections will be far more numerous and more complicated."

Does any Senator on this floor say that there is not the same duty to secure the relative or political rights to the citizen that there is to secure him in the enjoyment of his natural rights? The reason why it is made the first duty to secure to a man his natural rights is because they are first simply in order. First, natural rights from the necessity of the case, and then the relative rights, which are more numerous, are to be secured; not that one is more important than the other, no more than in the orders of the Senate petitions are to be considered as more important than the consideration of bills because they are first introduced. They are alike equally important, and it is as much the duty of the Government to secure the political rights as it is the civil rights. On page 125, Blackstone says:

"But every man when he enters into society gives up a part of his natural liberty as the part of so valuable a purchase, and in consideration of receiving the advantages of mutual commerce, obliges himself to conform to those laws which the community has thought proper to establish."

What is a civil right? It is such a limitation or extension of the natural right as is conferred by statute. That makes it a civil regulation; that makes it a civil law; that makes it a civil right. For instance, every man in a state of nature has a right to acquire, hold, and dispose of property, but when the Legislature interposes and by law says that he shall convey it by deed, or that the first deed recorded shall be evidence of title, that is a civil regulation.

Now, let me ask you whether in a state of nature, when men have organized themselves into a community, is it not the natural right of every man to have a voice in the affairs of that community? Is not that a natural right? If he confers that right upon representatives or upon somebody else to administer, and a law is passed *declaring that he shall give expression to that voice by the ballot*, then it becomes both a civil and political regulation at the same time. Sir, go back to the days of our colonial history, and in all our colonial assemblages, where our forefathers met to discuss the affairs pertaining to the colonies; where they fired their hearts for the great Revolution in which they were soon to be engaged, how did they decide all matters of controversy? By a show of hands. Each man raising his hand voted whether or not the measure for taxation or for public improvement or for educational purposes or for any other purpose should be adopted. When it is proposed that he shall exercise that voice by a statutory provision establishing a ballot, does it become any less a natural right? Is it any less a civil right? It is a natural, civil, and political right.

But again, to show that this is a distinction without a difference, I refer you to Blackstone, on the same page, wherein he says:

"Political, therefore, or civil liberty, which is that of a member of society, is no other than natural liberty so far restrained by human laws (and no further) as is necessary and expedient for the general advantage of the public."

The meaning of that is, that civil and political liberty are synonymous terms. Blackstone applies the same definition to both. I hope I shall be pardoned now if I refer to a decision of the Supreme Court which is conclusive upon that point. I quote from Judge Daniels, one of the assenting judges in the Dred Scott decision. He says in 19 Howard, page 476:

"Hence it follows necessarily, that a slave, the *peculium* or property of a master, and possessing within himself no civil nor political rights or capacities, cannot be a citizen. For who, it may be asked, is a citizen? What do the character and *status* of citizen import? Without fear of contradiction, it does not import the condition of being private property, the subject of individual power and ownership. Upon a principle of etymology alone, the term citizen, as derived from *civitas*, conveys the ideas of connection or identification with the State or Government, and a participation of its functions. But beyond this, there is not, it is believed, to be found, in the theories of writers on government or in any actual experiment heretofore tried, an exposition of the term citizen which has not been understood as conferring the actual possession and enjoyment or the perfect right of acquisition and enjoyment of an entire equality of privileges, civil and political."

He declares it to be not only his own opinion, but that it is the universal opinion of all legal writers upon the question, that by the term citizen is meant one who is entitled to both civil and political rights.

The object of the constitutional amendment was to secure freedom to the slave and to those who have suffered from the institution of slavery. It will not be pretended that Congress ever meant to set four million slaves free, to emancipate them into freedom, and at the same time leave them without the civil and political rights which attach to the free citizen. And hence, sir, the Senate at this session have passed the bill introduced by my colleague [Mr. TRUMBULL] to protect all persons in the United States in their civil rights, and also to provide courts and laws with adequate penalties for the vindication of those rights. It provides that "the inhabitants, of every race and color, without any regard to the previous condition of slavery," shall have the same "right to make and enforce contracts, to sue and be parties and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property; and to full and equal benefit of all laws and proceedings for the security of person and property." Here, sir, I contend, we have fully established the principle, and upon the same principle have full right and constitutional power to pass the bill which I have proposed, protecting the inhabitants, of every race and color, without regard to any previous condition of slavery, in all their civil and political rights, including the right of suffrage.

The Dred Scott decision is referred to, to show that the negroes are not citizens; but

that decision was made under the Constitution of the United States before this amendment was adopted. That decision, overturning, as it did, the whole line of judicial authority, and abhorrent to the civilization and Christianity of the age in which we live, went so far as to say that the negro at the period of the adoption of the Constitution had no rights which a white man was bound to respect, and to lay down the doctrine that slavery could go into all the Territories of the United States, independent of popular sovereignty, of the will of the people, or of the Constitution of the United States. But, sir, that decision is wiped out; it has gone down to a kindred doom with the institution which it was intended it should perpetuate; and I now quote from the decision itself to show that under the existing state of affairs, under the constitutional amendment, the freedmen are citizens by the irresistible deductions and inferences from the Dred Scott decision itself. In the celebrated case of Dred Scott vs. Sanford, which is reported in 19 Howard, page 404, is the following language; I read from the opinion of Chief Justice Taney:

"The words, 'people of the United States' and 'citizens' are synonymous terms and mean the same thing. They both describe the political body, who, according to our republican institutions, form the sovereignty, and who hold the power and conduct the Government through their representatives. They are what we familiarly call the 'sovereign people,' and every citizen is one of this people and are constituent members of this sovereignty."

Now, sir, if that was the case, why was Dred Scott not a citizen? We shall find out. The decision then proceeds to state why negroes were not included as a portion of the people and constituent members of the sovereignty:

"Because they were at that time considered as a subordinate and inferior class of beings who had been subjugated by the dominant race, and whether emancipated or not, yet remained subject to their authority, and had no right or privileges but such as those who held the power and the Government might choose to grant them."

Is not the inference irresistible that if by any subsequent amendment of the Constitution they became a part of the people, they would be citizens and entitled to the same rights and privileges with all the other citizens of the United States? The decision goes on to quote the words of the Declaration of Independence: "We hold these truths to be self-evident, that all men are created equal," &c. The Chief Justice then proceeds to comment on that clause, as follows:

"The general words above quoted would seem to embrace the whole human family, and if they were used in a similar instrument at this day would be so understood. But it is too clear for dispute that the enslaved African race were not intended to be included, and formed no part of the people who framed and adopted this Declaration; for if the language, as understood at that day, would embrace them, the conduct of the distinguished men who framed the Declaration of Independence would have been utterly and flagrantly inconsistent with the principles they asserted; and instead of the sympathy of mankind, to which they so confidently appealed, they would have deserved and received universal rebuke and reprobation."

And now what shall be said of us at this day,

when they are clearly included in the terms of the Constitution, and by special clauses therein are made free people, if we fail to carry out the full spirit and fair interpretation of the Constitution of the United States with regard to this long oppressed race of our fellow-citizens? Will we not be utterly and flagrantly inconsistent if now, by the very terms of the Constitution, we are required to treat them as people and as citizens, and we fail to do so?

Mr. SAULSBURY. While the honorable Senator is on this point, will he allow me to put a question to him?

Mr. YATES. Certainly.

Mr. SAULSBURY. Under the registering law of the State of Maryland more than one half of the former voters of that State are excluded from the right of suffrage, although they have never been convicted of any crime. Many of the most prominent citizens of the State, who have never been convicted of crime, or suspected by any fair-minded man of having been guilty of crime, are excluded from the right of voting. Are those men, more than one half the former voters of the State, who are now excluded from voting in that State, citizens, or are they not?

Mr. YATES. I will answer that question in the course of my remarks, and will only make the statement now, that neither any State in this Union, nor the Congress of the United States, has power under the Constitution or under the decision of the Supreme Court to deprive a citizen of the prerogative of the elective franchise. That is the position I assume. I have but just now read from the decision of the Supreme Court, by Chief Justice Taney himself, to show that the "people" of the United States were the "citizens" of the United States. Who made the Constitution of the United States? "We the people" "do ordain and establish this Constitution." Did the Constitution make the people of the United States? No, sir. The moment a man is a freeman, by any law, by any constitution in the United States, that man becomes one of the body-politic. He passes into the body of the sovereignty, as it is termed by the decision of the Supreme Court. He is one of the people. He is one of the citizens of the United States of America; and as I shall presently show, no State, nor Congress, except by constitutional amendment, has any right whatever to deprive a citizen entirely of the right of suffrage.

I will read further from the same decision. This decision goes on to say, on page 426 of the same volume:

"No one, we presume, supposes that any change in public opinion or feeling in relation to this unfortunate race, in the civilized nations of Europe or in this country, should induce the court to give to the words of the Constitution a more liberal construction in their favor than they were intended to bear when the instrument was framed and adopted." * * * "If any of its provisions are deemed unjust, there is a mode prescribed in the instrument itself by which it may be amended, but while it remains unaltered, it must be construed now as it was understood at the time of its adoption."

But it has been altered; the negro is no longer regarded as a slave or belonging to a subject race, but as the gentleman from Maryland, [Mr. JOHNSON,] even, admits, he is a man, and susceptible of the highest cultivation.

It is in the light of this new estimate of the freedman that we are to consider the provisions for his emancipation now in the Constitution, and to confer upon him the full and equal enjoyment of all his rights. Sir, I do not believe our fathers had any such low estimate as was attributed to them in that decision, but that they did most reluctantly compromise for reasons before stated. I vindicate them from the black stain implied by any construction which would go to show that they meant "all men" except the negro "are created equal."

I said, I did not believe the framers of the Declaration meant to exclude any particular class or race of men, when they declared all men equal. Sir, facts are stubborn things, and no logic, not even of the most astute and profound lawyer, can destroy the force of any important fact. It is a stern, stubborn, historical fact that at the time of the adoption of the Constitution the freedmen, inhabitants of the States of New Hampshire, Massachusetts, New York, New Jersey, and North Carolina, were not only citizens of those States but possessed the franchise of electors on equal terms with the other citizens, and, sir, were not only included in the body of the people of the United States by whom the Constitution was made, but voted on the question of its adoption. Is it not strange that the framers meant to say that they were not included in the Declaration of Independence who were suffered to vote whether or not the Constitution should be ordained and established?

There is another stubborn fact which goes to show that the fathers did not design to make the distinction in favor of white men only, and that fact is this, that while the Articles of Confederation were under the consideration of Congress, on the 23d June, 1778, the delegates from South Carolina moved to amend the fourth of the fundamental Articles of the Confederation, which reads as follows:

"The free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all the privileges and immunities of the free citizens of the several States."

They moved to amend this fourth article by inserting after the word "free," and before the word "inhabitants," the word "white;" so that the privileges and immunities of general citizenship would be secured only to white persons. Only two States voted for it, while eight voted against it, and the vote of one State was divided, and the language of the article remained unchanged and went into the Constitution of the United States without any restriction to white persons.

But whether or not the fathers meant to exclude free colored persons, the decision in the Dred Scott case was made under the Constitution before the recent amendment, and the

court, in the following emphatic language, leaves the inference irresistible that the decision would be different in case of an amendment of that instrument.

I quote from 19 Howard, page 426:

"No one, we presume, supposes that any change in public opinion or feeling in relation to this unfortunate race in the civilized nations of Europe, or in this country, should induce the court to give to the words of the Constitution a more liberal construction in their favor than they were intended to bear when the instrument was framed and adopted."
"If any of its provisions are deemed unjust, there is a mode prescribed in the instrument itself by which it may be amended; but while it remains unaltered, it must be construed now as it was understood at the time of its adoption."

The meaning of this, sir, was that a slave or a descendant of a slave could not be a citizen under the Constitution as originally adopted, and that it must be so construed until the Constitution is altered. It has been altered, and conforms to public opinion of the present day, which demands the recognition of the manhood of the negro.

And there is not a word in that whole decision which, under the Constitution as altered, does not go to support the proposition that the freedman, under the amendment, stands upon the same footing of civil and political equality with the white man; subject to the same statutory disabilities, and entitled to all the rights and privileges of the white man.

Now, sir, I come to the point to which the Senator from Delaware has referred, and according to the decision relied upon especially by that Senator, the decision in the Dred Scott case, I here take the position that Congress has no power to make a citizen, except to naturalize a foreigner, or to make him a citizen by naturalization; nor has a State any such right.

Mr. SAULSBURY. Had the State of Maryland the right to enact that law? That is my question.

Mr. YATES. The State of Maryland cannot exclude any man in the United States who has in himself the inherent rights, the God-given rights of manhood and freedom. Maryland cannot do it, and Illinois cannot do it, and all the power of the Congress of the United States cannot do it, except by an amendment to the Constitution conferring upon Congress that power.

I refer next to the same decision upon the question of the rights of citizens in the several States. I admit that according to this decision every State had a right to exclude an African citizen, and the constitution of that State or the law of that State was not anti-republican in its form; but when a man became a citizen of the United States he cannot be excluded by any State. I read from the same decision, page 423 of the same volume, where you will see that Chief Justice Taney was trying to show that all these State laws would be unconstitutional if the negro was a citizen, that he could come into the State in spite of the power of the constitution of the State and claim the rights of a citizen, and the Chief Justice goes on to

show what would be the consequences of such a construction:

"If persons of the African race are citizens of a State and of the United States they would be entitled to all of these privileges and immunities in every State, and the State could not restrict them; for they would hold these privileges and immunities under the paramount authority of the Federal Government, and its courts would be bound to enforce them, the constitution and laws of the State to the contrary notwithstanding. And if the States could limit or restrict them, or place the party in an inferior grade, this clause of the Constitution would be unmeaning, and could have no operation, and would give no rights to the citizen when in another State. He would have none but what the State itself chose to allow him. This is evidently not the construction or meaning of the clause in question. It guarantees rights to the citizen, and the State cannot withhold them."

If the Senator from Maine [Mr. FESSENDEN] were now in his seat I would show him where the penalty is for such a law as I propose. Whenever a law in any State is unconstitutional the courts are bound to enforce the Constitution. There is the penalty. We can receive them or not receive their members-elect of Congress or members of the State Legislature. There is penalty again. And now, if such legislation is not absolutely necessary, yet it is highly expedient that at least a declaratory law should be passed so that uniform construction and uniform obedience and submission to the Constitution may be secured from all the States.

Now, sir, I come to the other proposition, and it is equally clear, that neither Congress nor a State make a citizen, except that Congress may naturalize foreigners, and is founded on good sense and reason. I read now from page 419, Chief Justice Taney's decision:

"The Constitution upon its adoption obviously took from the States all power by any subsequent legislation to introduce as a citizen into the political family of the United States any one, no matter where he was born, or what might be his character or condition; and it gave to Congress the power to confer this character upon those only who were born outside of the dominions of the United States."

The decision goes on to say that therefore no law of Congress or of any State can deprive a citizen of his rights.

Sir, there was one view upon which this decision did deprive the freedman of the right to vote. What was that? It was upon the same view that a woman is deprived of the right to vote. What was that? Because he could not come to the support of and defend the Government; and I have the decision of the Supreme Court here, which is irresistible on that point. If a man can come to the support and defense of the Government, he is necessarily one of the body-politic and one of the people of the United States. I dwell upon these points at some length knowing that they are tedious, but I am making them not only for the Senate but for the country, for it is the reflex influence of our great constituency on Congress to which I look for the passage of the bill I propose. In the same volume, page 415, the Chief Justice cites the case of New Hampshire to show that the negroes were not citizens under the Constitution of the United States, and gives as a rea-

son that they were not enrolled in the militia of the United States. Let us see what he says:

"The alien is excluded, because, being born in a foreign country, he cannot be a member of the community until he is naturalized; but why are the African race, born in the State, not permitted to share in one of the highest duties of the citizen? The answer is obvious. He is not, by the institutions and laws of the State, numbered among its people. He forms no part of the sovereignty of the State, and is not therefore called on to uphold and defend it."

The moment the United States of America permitted the name of the freedman to be enrolled on that list of immortal names who bore the banner of the Republic in triumph, and planted its victorious folds upon the battlements of the enemy, this Government, by the proclamation of Abraham Lincoln, declaring that his freedom should be maintained, and by its pledge made to the civilized world, said that he should be not only a citizen in war but a citizen in peace. I know that we are met on every hand by the argument that women are excluded from the right of suffrage. The answer to that is very easy and very plain. I am not proposing to amend the Constitution of the United States; and there is no power in the Constitution to confer the right of suffrage upon a woman. According to the spirit of the decision to which I have referred, and by the universal consent of mankind, she is not a part of the body-politic so as to exercise the right of suffrage. Now, if these gallant gentlemen are so anxious to confer suffrage on the ladies, and have them mingle in the broils of parties and elections, let them bring in an amendment, and I am not sure that I will not vote for it.

When it is asked why may she not vote since she is often a tax-payer, I answer that there are restrictions which are inevitable. Minority is such a restriction. Woman is excluded by the inevitable proprieties of the case. The ballot is in politics what the bayonet is in war. Those only who wield the sword are, by the universal consent of both ancient and modern civilization, supposed capable of wielding the ballot. We should most certainly violate the proprieties of humanity were we to compel the softer sex to take part in the bloody work of physical warfare. And yet, sir, to thrust woman into the arena of political strife is quite as abhorrent, in a degree, and would be quite as destructive of her womanly qualities, as to compel her to take part in the shock of arms.

The only exception to the rule of ancient times, that woman should not bear arms, is to be found in traditions regarding the Amazons. They are represented a very warlike race of women as having deprived themselves of the right breast, that they might be the better able to wield the weapons of warfare. Would my friend from Missouri [Mr. HENDERSON] permit such an act of barbarity in the case of the elegant and majestic ladies of his State, so remarkable for their beauty and so irresistible in the fascination of their womanly charms? I know what his answer would be. Well, would he do what is worse, have her do morally what

the Amazons did physically, by thrusting her into the strifes and stern conflicts of politics and elections, part with those softer, more delicate, more lovable qualities, which constitute her the ornament of society, and which, as Edmund Burke says, "inspire in man the highest and noblest passions of human life?" I am not proposing to amend the Constitution of the United States. If any of the gentlemen who propose to amend the Constitution wish to display their gallantry, let them propose to amend it in this respect. There are some reasons which are applicable to them which are not applicable to the male portion of the people. They do not bear all the burdens of the Government; they do not work the roads; they do not fight in the Army.

I come, then, to the question, how is a citizen of the United States made? How does a man become a citizen of the United States? Those who were citizens of the United States at the adoption of the Constitution were the people. "We, the people, do ordain and establish this Constitution." The words "people" and "citizen" are synonymous, as I have shown. Now, sir, I show that by the amendment to the Constitution of the United States the former slave has become a freeman; his disability is removed; he is no longer one of a subject race; he cannot be bought and sold; he steps from his condition of slavery into the family of freedom, becomes one of the body-politic, and is one of the sovereign people. And, sir, if no State can make him a citizen, and if the Congress of the United States cannot make him a citizen, except through an alteration of the Constitution so as to confer upon Congress the power, then he never can be a citizen except through the operation of the recent amendment, and he and his descendants forever must be deprived of this great right of franchise. Sir, they are citizens, or they are slaves. They are subjects, or they are sovereigns. This is exclusively a white man's Government, or it is a Government for all men.

What, then, is the objection to passing the bill for which I contend? It is evident that you cannot confer freedom upon the slave without exercising your power under the Constitution. If you go before the people with constitutional amendments they will be voted down in the slave States and in some of the free States. The result will be that the people, determined to do justice to this class of men, will find the power where it properly belongs, in the constitutional amendment securing to them freedom, and in the subsequent clause which makes it the duty of Congress to enforce by appropriate legislation the prohibition of slavery and to secure full freedom, civil and political, to all citizens.

Why will we not manfully meet the issue, and exercise the power we already have, and by a general law of Congress enforce the provision of the Constitution in all the States alike—in Illinois and Tennessee, in Maine and in South Carolina? I deny the conclusion of the Sena-

tor from Missouri that there is reason to believe the Supreme Court, even under the hard ruling of the Dred Scott case, would decide the law unconstitutional.

What court, after the Dred Scott decision, will again incur the infamy of all history by such a decision as this would be against justice and the enlightened convictions of the wise and good everywhere?

I know what the politician's objection is. The politician's objection is, "Why take this out of the hands of the people of the States?" Sir, we do not take it out of the hands of the people of the States. The people of the States have by the Constitution conferred the power upon us; they have placed the responsibility upon us; and they will brand us with moral cowardice if, waiting to pass amendments which never can be adopted, we fail to exercise the power which we clearly have.

I like the amendment of the Senator from Missouri, [Mr. HENDERSON,] but it can never be adopted. But I am opposed to it because we have already the power in the Constitution to do the same thing. Is there any statesman here who dares rise in his place and say that we have the right to secure to the freedman all his civil rights, to give him the right to enforce contracts, to testify and be a party to suits, to acquire, hold, and dispose of property, but cannot secure him in his most essential right, the right by which he protects himself in the enjoyment of all his civil rights, of his person, of his family, his life, and his reputation? I say, sir, that you cannot abolish slavery, you cannot secure freedom to the slave unless, by appropriate legislation, you pass a bill to give him that freedom in all the States and Territories of the United States.

Sir, let gentlemen come forward and meet the issue like men. Let them come forward and do what they have by the Constitution the clear power to do, and that is a *sine qua non* in order to carry into effect the constitutional prohibition of slavery. As for me, I would rather face the music and meet the responsibility like a man and send to the people of the State of Illinois the boon of universal suffrage and of a full and complete emancipation than meet the taunt of northern demagogues that I would force suffrage upon North Carolina and Tennessee and Delaware while I had not the courage to prescribe it for our own free States. Sir, it will be the crime of the century if now, having the power, as we clearly have, we lack the nerve to do the work that is given us to do.

Let me say to my Republican friends, you are too late. You have gone too far to recede now. Four million people, one seventh of your whole population, you have set free. Will you start back appalled at the enchantment your own wand has called up? The sequences of your own teachings are upon you. As for me, I start not back appalled when universal suffrage confronts me. When the bloody ghost of slavery rises, I say, "Shake your gory locks at me; I did it." I accept the situation. I

fight not against the logic of events or the decrees of Providence. I expected it, sir, and I meet it half way. I am for universal suffrage. I bid it "all hail!" "all hail!"

Four million people set free! What will protect them? The ballot. What alone will give us a peaceful and harmonious South? The ballot to all. What will quench the fires of discord, give us back all the States, a restored Union, and make us one people? The ballot, and that alone. Is there no other way? None other under the sun. There is no other salvation.

Senators, go to the country with it. Write it upon the sky. Inscribe it upon your banners, and hang them on the outer walls. It is the flaming symbol of victory. Sir, tell me not that "the people will vote us down on this proposition." Address that argument to cowards. "With the free and the brave it avails nothing." You give the white rebel the right to tax the loyal freedman, and to impose whatever burdens he pleases upon him, and you call that freedom.

Liberty without equality is no boon. Talk not to me of civil without political emancipation! It is the technical pleading of the lawyer; it is not the enlarged view of the statesman. If a man has no vote for the men and the measures which tax himself, his family and his property and all which determine his reputation, that man is still a slave. You say that the citizen may have all his rights, to testify in courts, to enforce contracts, to acquire and dispose of property; but he shall not have his most essential right, the right to vote, because, you say, the right to vote is not a natural or a civil right, but a political right. Suppose that is true: what of it? It is a distinction without a difference. It is a special plea, and too narrow for statesmanship. The only way to give effect to your constitutional amendment—the only practical way—is to exercise the power which you have to secure every right, natural, civil, political, to all the people.

I here positively deny that we can give effect to the constitutional amendment giving freedom to the slave, and yet debar him of the only weapon with which he can protect himself in that freedom. Emancipation, in the light of our Government, means not only the breaking of the chains of slavery, not only destroying the *status* of the slave, but it means conferring upon him every right which every American citizen enjoys. The legislation which secures the ballot is the only "appropriate" legislation. Your Freedmen's Bureaus are well enough as a temporary measure; but if you will give the freedman the ballot, he needs no such law. Give him equality in fact, the law will follow. The laws as they are for all other persons will be all he needs. Give him the ballot, and he will become an identified element in society, and the politicians who now jeer and deride him, who point to his infirmities, will pander to him, and he will become self-sustaining.

Sir, the ballot will finish the negro question:

it will settle everything connected with this question. Give the freedman the ballot, and we need no Freedmen's Bureau, we need no military *régime*, we need no vast expenditures, we need no standing army. The ballot will be his standing army. The ballot is the cheap and impregnable fortress of liberty. I may be pardoned for quoting the oft-quoted stanza:

"There is a weapon surer yet
And better than the bayonet;
A weapon that comes down as still
As snow-flakes fall upon the sod,
And executes a freeman's will
As lightning does the will of God;
A weapon that no bolts nor locks
Can bar—it is the ballot-box."

The ballot will lead the freedman over the Red sea of our troubles. It will be the brazen serpent, upon which he can look and live. It will be his pillar of cloud by day and his pillar of fire by night. It will lead him to Pisgah's shining height, and across Jordan's stormy waves, to Canaan's fair and happy land. Sir, the ballot is the freedman's Moses. So far as man is concerned, I might say that Mr. Lincoln was the Moses of the freedman; but whoever shall be the truest friend of human freedom, whoever shall write his name highest upon the horizon of public vision as the friend of human liberty, that man—and I hope it may be the present President of the United States—will be the Joshua to lead the people into the land of deliverance.

Mr. President, there is one clause of the Constitution which I confess, when I commenced examining the Constitution to find this power in favor of equality, seemed to me an objection to the exercise of power which I have proposed, and that is this clause in section two, article one:

"The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature."

If there was any force in that provision of the Constitution before the present amendment was adopted, there is none now. If the States could exclude an elector or any citizen from the right of suffrage before the adoption of the amendment, they cannot do so now, and why? Because the amendment being the last clause inserted in the Constitution, repeals every former clause in conflict with it. It is the subsequent organic act of the people, and by the adoption of this amendment every freedman becomes one of the people, a citizen of the United States, and no Legislature has any power to disfranchise him. It has the right to regulate the qualifications of whom? Of electors; of those men who have a right to vote; of those men who do vote. It can restrict them by certain limitations and qualifications. But does the word "regulate" imply a power to destroy, or does it mean to preserve? The word "regulate" means to make rules. Its derivation is from the Latin word *regula*, a rule. It is to prescribe qualifications for the citizens, for those who are entitled to vote, but there is no power whatever to destroy the rights of a citizen or

to disfranchise a citizen; and though the freed-man might have been disfranchised before the amendment, because not then a citizen, he is now a citizen by the operation of the amendment, and there is no power in the State to disfranchise him.

Mr. Clay, when he contended that Congress, under the power in the Constitution "to regulate commerce" among the several States, "had the right and the power to build up commerce, to establish lines of steamers between this country and foreign countries, and to build railroads between the several States," never claimed that under that power "to regulate commerce" Congress had a right to destroy commerce. And there was one universal opinion among the Democratic party that the word "regulate" simply meant to prescribe the rules and regulations by which commerce already in existence should be carried on. This clause means that the States shall determine, not who shall vote, but when, how, and where the electors shall vote, and that it may determine the time and place and manner in which they shall vote, and impose restrictions, not disfranchisement.

I can make this question plain to any one. I ask the Senator from Oregon whether the Legislature of the State of Oregon can ever disfranchise him—can ever deprive him of his God-given right of suffrage? I ask the Senator from Minnesota whether there is any power in that State to deprive me of the right of franchise if I remove there? Is there any power to deprive any of my descendants of that right? Is there any power to deprive any of the people of the United States of that right? If the power exists, and it can exclude me, may it not exclude one half or three fourths of the people, and leave the governing power in the hands of an oligarchy?

I ask you whether the State of South Carolina can have a provision that no Yankee shall vote in that State? If they could, they would adopt it with a will and a vengeance. Can any State in this Union decide that no German shall exercise the right of suffrage? I very much doubt the constitutionality of the law of Massachusetts, which says that the German shall not vote until he can read the English language, because that may amount to a virtual disfranchisement of some. I can say that it would be a very inexpedient law anyhow, for some of the best voting that is done in this country is pure unadulterated German. Suppose that Brigham Young should organize a sort of *imperium in imperio* in Utah, and after that State was admitted into the Union the Legislature should decide that none but disciples of the Mormon faith should vote, or, as all tests of religion are excluded by the Constitution, suppose that State were to decide that no man who had not two wives should be allowed the right of suffrage, would it not be the duty of Congress to interfere and protect the right of the citizens who may go into that State?

I will ask another question. Suppose, as has

often been the case, a white man is declared a slave and he becomes free, is there any power in the State of Maine or any other State in this Union to disfranchise him, to take away from him entirely the right of suffrage? You will answer, no. Well, sir, does the tinge of complexion alter the inalienable, the intrinsic, the inherent, the God-given rights of the American citizen? I admit that the States may prescribe qualifications, not to destroy but to preserve the elective franchise of the freeman. There may be registry laws to protect the purity of the ballot and to prevent frauds; the minor under twenty-one years of age may be excluded. In the very nature of things there must be a period of majority affixed to infancy; but do you deprive that minor of the right to vote altogether? No, sir. "*Dormitur aliquando jus, moritur nunquam*"—"the right may sleep, but it dies never."

But there is another point in this article one, section two, to which I desire to call attention. Observe that the clause reads:

"The House of Representatives," &c., "shall be chosen every second year by the people of the several States."

Now, who are the people of the several States? Are they not the whole people? If there are any people in the several States not included in this clause, who are they? But Judge Taney says that people and citizens are synonymous. And it has been universally understood that the people of the States means all male citizens thereof over twenty-one years of age. There is no limitation in the words of the Constitution, and there can have been none, if by the people that formed the Constitution was meant the whole people of all the States, granting the exception as to the subject race according to the Dred Scott decision. But that exception no longer existing, then the words "people of the several States" must and do mean the whole people thereof, minors and women excepted.

Mr. President, I had intended, in the course of these remarks, to present my views against that class of legislation which is designed to secure what is called intelligent suffrage. I shall not now argue the point, but will merely say that I am unalterably opposed to any legislation whatever which shall determine the rights of the citizen by any test of wealth, intelligence, birth, or rank. I wish to say to my Republican Union friends that whenever they admit that principle, the test of intelligence, they admit away their argument. If we prescribe intelligence for the negro and not for the white man, it is unequal, it is class legislation. That is not the shibboleth of equality of rights for all, which you have been crying. Well, if we apply it to all who cannot read or write, we exclude a large portion of our fellow-citizens who have always since the foundation of the Government, for eighty-five years past, exercised the right of suffrage, and exercised it well. Why now exclude them? Why, to reach the case of the poor freeman, and in order to inflict a tyrannous and barbarous restriction

upon him, exclude those who for eighty-five years have exercised the right of suffrage, and exercised it well? Sir, such a proposition as that cannot obtain five votes in any western Legislature. The party which commits itself to an exclusion of those men, who for eighty-five years have exercised this inestimable right of freemen, is already doomed, and ought to be doomed forever.

I am not opposed to intelligence. I believe that intelligence and virtue are the rock-bound foundations of our national prosperity and our national perpetuity. But if the success of our institutions depends more upon the one than the other—and I think they are inseparable for this purpose—it depends more on virtue. The poor loyal slave of the South was more religious and more loyal than his slave-master, and almost as intelligent, perhaps, as the mass of the whites themselves. While I believe it might possibly be safe for the country to permit all to vote, I do not think it would be safe for the country to exclude either class altogether, or any large mass of the people.

I believe in the foundation theories of our Government, that there is more intelligence and more virtue in all the people than in any part of the people. That is the doctrine for which I contend. I contend that the strong common sense of the populace of America is a safe element in this Government.

The ballot is the greatest educator. Let a man have an interest in the Government, a voice as to the men and measures by which his taxes, his property, his life, and his reputation shall be determined, and there will be a stimulus to education for that man.

As the elective franchise has been extended in this country we have seen education become more universal. Look throughout all our northern States at our schools and colleges, our academies of learning, our associations; the pulpit, the press, and the numerous agencies for the promotion of intelligence, all the inevitable offspring of our free institutions. Here is the high training which inspires the eloquence of the senate, the wisdom of the cabinet, the address of the diplomatist, and which has developed and brought to light that intelligent and energetic mind which has elevated the character and contributed to the prosperity of the country. It is the ballot which is the stimulus to improvement, which fires the heart of youthful ambition, which stimulates honorable aspiration, which penetrates the thick shades of the forest, and takes the poor rail-splitter by the hand and points him to the shining height of human achievement, or which goes into the log hut of the tailor boy and opens to him the avenue to the presidential mansion.

There will be risk, it is said, in so much ignorance in the body of electors. Has there not always been risk? Will there not always be risk in every democratic Government? Has not Europe poured annually her millions into our borders, some of whom cannot read or write, and some of whom cannot speak our language?

Have any of these Senators who propose to prescribe a qualification of intelligence ever thought of amending the naturalization laws, so as to require from foreigners that they should read and write?

Sir, the masses may err, but it is not to their interest to err. If they do err, they are always ready to correct the mistakes which passion and prejudice have brought upon them. But how is it with an aristocracy? Look at this mournful illustration; look at the rebellion of the educated slave oligarchy of the South; look at the devastations of the bloody war which resulted from that rebellion. History, upon many a dark and bloody page, gives sad and mournful evidence that the limitation of the powers of Government to the educated oligarchy or to an individual has resulted in wicked machinations against the welfare of the people, in the decay of empire, in bloody wars, leaving fearful devastations in the track of time.

Why, sir, I will say that there has been in all time no usurpation, no conspiracy against the rights of the freemen, except upon the specious plea of superior intelligence in the usurper or conspirators. We shall have to risk something. So we shall, sir, and we must trust that one ignorant force will counterpoise another in the future as it has in the past.

But, sir, if we prescribe intelligence as a guide, what grade of intelligence shall we have? When we propose to say that a man who can barely read and write shall vote, suppose I move to amend your proposition, adding that the man who understands English grammar and the ground rules of arithmetic alone shall vote; suppose I move to amend by saying that he shall have a liberal common-school education; suppose I move to amend by saying that he shall have graduated with academic honors. Sir, that is the argument *ad absurdum*. The only safe rule is to extend the franchise to all, that all the virtue, all the intelligence, all the practical common sense, all the wisdom, and all the learning of all the people shall be employed in the administration of the affairs of the Government. I admit that there are restrictions which, as I have said, are inevitable; they must be continued, and must be made applicable to all. They are the mere regulation of the suffrage.

I was never a "Native American," although much of the foreign vote was cast against the old Whig party to which I belonged; but I am like the noble old Senator from Ohio [Mr. WADE] when he said, "I am willing to give to every man every right that I possess," and if by meritorious endeavor, if by playing well my part, if by developing any moral and intellectual faculties, I can attain to a higher position of eminence than he, then give me credit for it; but to what praise am I entitled if my superior fortune is the result of exclusive privileges which I deny to my unfortunate fellow-citizens?

I wish it distinctly understood that in all I have said here I am no one-idea man. I never

had "negro on the brain." [Laughter.] I always fight with the people and for the people. I never belonged to the Wendell Phillips or Gerritt Smith party. I do not say this from want of respect for them, for they were noble pioneers in the cause of human liberty; but I am for the black man, not as a black man; I am for the white man, not as a white man, but I am for man irrespective of race or color; I am for God's humanity here, elsewhere, and everywhere.

Sir, Mr. Lincoln never said so beautiful a thing in all his life, according to my judgment, as when he said, "In giving freedom to the slave we assure freedom to the free." If we would preserve freedom for ourselves and our posterity, let us see to it that all are free, that there are no warring, wrangling, discordant races or classes out of which is to grow a future conflict of races, future war, and final disunion.

My distinguished friend on my left, [Mr. DAVIS,] the compeer of Mr. Clay and Mr. Crittenden, for whom I have such high respect, quoted from numerous authors to show that the freedmen belonged to an inferior race, to which I refer for this reason: if the Senator from Kentucky, the loyal and patriotic Senator from Kentucky, through the prejudices of education, can, with almost barbarous cruelty, parade, in long array, authorities from historians to show that the negro is an inferior race and not entitled to equal privileges with the white man, what may we not expect from the southern rebels whom negro valor has chastised, and whose secession principles negro votes shall yet vote down?

Mr. Lincoln made another beautiful remark in his letter to Governor Hahn. He said:

"In some trying time the vote of the black man may serve to keep the jewel of liberty in the family of freedom."

Sir, the time may arrive when the southern slaveholders and their northern sympathizers may come so near having the control of the Government, that the loyal black vote may be the balance of power and cast the scale in favor of Union and liberty.

If universal suffrage is wrong, our Government is wrong. I am willing to conform to the principles of my Government wherever they may lead. If it turns out, as I fondly hope it may not, that our fathers were wrong, and that our people are incapable of self-government, and that a wealthy few, an intelligent few, or a single monarch ought to govern them, I cannot help it, but that is not the principle for which I am fighting. I am fighting to carry out to its legitimate conclusion, to its logical sequence, what I believe to be the decree of Almighty God, that all men are created equal.

Gentlemen ask me "if I will go before the people of Illinois with such a proposition as this." Ay, indeed, and welcome it. I have no fear of the result. Through the clouds of the present I see the brightness of the future. There is, deep seated in the hearts of the American people everywhere, the firm conviction that this negro question, however unpalatable its discussion may be, will never be settled until

it is adjusted upon the principle of justice and equality.

Sir, I can see now plainly the beginning of the end. I now see the apotheosis of that living principle which fled the persecutions of the Old World; which sought a home amidst the sterile rocks of New England; which remonstrated against taxation without representation; which exhibited its opposition to class legislation upon the bloody field of Bunker Hill, and which finally culminated in the greatest and most majestic and dominant idea of the world—the Declaration of American Independence.

Sir, I am a man of the people; twenty-five years of public service make me believe that I understand something of the temper and disposition of the people; and I am here to-day to say that it is my conscientious conviction that if every Senator on this floor and every Representative in the other House and the President of the United States should with united voices attempt to oppose this grand consummation of universal equality, they will fail. It is too late for that. You may go to the head waters of the Mississippi and turn off the little rivulets, but you cannot go to the mouth, after it has collected its waters from a thousand rivers and with accumulated volume is pouring its foaming waters into the Gulf, and say, "Thus far shalt thou go, and no further."

Politicians may choose their course; they may become frightened at the radical march of events; they may throw pebbles into the mighty current of popular opinion. But the grand old river of progress, of liberty and humanity, and God's eternal justice, will roll on. Gentlemen may erect altars to conservatism; but they will go down to that vortex into which so many compromisers, Union savers, and conservatives have already gone—"that bourne whence no political adventurer ever returns." Sir, I care not who the man may be, though he be a Senator upon the floor or the President of the United States, however high his title or proud his name, if he is false to human freedom "the places which know him now shall soon know him no more forever!"

I remember well what the noble old Senator from Ohio [Mr. WADE] said in his speech; how he was threatened with the anathemas of public vengeance when he was in a slim and hated minority; but, thank God, he still lives to look on the graves of his political opponents and revilers. Having fought the fight, having kept the faith, and come up through great tribulation, he is not here to surrender the citadel of liberty to a few guerrilla bands and the raw recruits who are wasting their ineffectual fires upon the fortifications which have withstood unshaken the roar and thunder of the whole pro-slavery army. I, sir, though a younger man, have a similar experience. I stood side by side with the noble Lincoln in every phase of these questions. I have fought the fight and lived to enjoy the delightful pleasure of telling the last Legislature of my State to sweep with a speedy, resistless hand the black laws

from our code. And they did it. They did not alter, modify, or amend them, but they eviscerated them, body and soul, from the statute-book, and scattered their black and blood-stained leaves upon the simoom of popular indignation.

Sir, what made Abraham Lincoln President of the United States? I know he was good, very good; he was great, very great, in all those qualities which constitute the statesman; but it was his persistent advocacy of the doctrines of the Declaration of American Independence, in his debates with Stephen A. Douglas, in his speeches at the Cooper Institute in New York, in Connecticut, and in Kansas; it was his clear definition of the principles of human freedom; it was those God-inspired words—

"This Union cannot permanently endure half slave and half free; the Union will not be dissolved, but the house will cease to be divided"—

it was this which riveted the attention of the nation, and made him President of the United States. And why, sir? Because, despite the prejudices of education, which we all have, despite centuries of wrong and oppression, there is somewhere, away down in the depths of the human soul—and that soul is deeper than oceans; it is like infinite space and has no boundaries—there is somewhere in the unfathomable depths of the human soul the love of liberty and the hatred of oppression. That chord Lincoln struck, and thus made himself President and his name immortal. Why are you Senators here from every northern State? Is it because you are able men? But you are not the only able men in your States. There are men distinguished for great ability and illustrious service in your States. You are here, because you have been true to truth, to justice, to liberty, and to equal laws.

It is too late to change the tide of human progress. The enlightened convictions of the masses, wrought by the thorough discussions of thirty years, and consecrated by the baptism

of precious blood, cannot now be changed. The hand of a higher power than man's is in this revolution, and it will not move backward. It is of no use to fight against destiny. God, not man, created men equal. Deep laid in the solid foundations of God's eternal throne, the principle of equality is established, indestructible and immortal.

My way to settle our national troubles is to punish some traitors, not for the sake of vengeance, but for the sake of example. There ought to be some example made in order to inculcate the idea that treason is a crime in this country, and that it will be punished. I would then extend pardon to all the rebel masses; I would withhold it from the leaders of the rebellion. I would confer upon the freedmen, made free by the Constitution and laws of the land, universal suffrage.

Mr. President, as I said in a speech on the 4th day of July last—and I wish to repeat it here now, to show that these are no new-formed opinions—I say again:

"This is the genius of our Government. I am willing to trust the people; and I believe that our Government, founded upon the will of all, protected by the power of all, and maintaining the rights of all, will survive the storms of civil and external convulsion, and growing in grandeur and power, will become one of the mightiest nations on the face of the earth. Therefore I am opposed to slavery and secession, for an undivided Union, for universal freedom, and universal suffrage."

Senators, sixty centuries of the past are looking down upon you. All the centuries of the future are calling upon you. Liberty, struggling amid the rise and wrecks of empires in the past, and yet to struggle for life in all the nations of the world, conjures you to seize this great opportunity which the providence of Almighty God has placed in your hands to bless the world and make your names immortal, to carry to a full and triumphant consummation the great work begun by your fathers, and thus lay permanently, solidly, and immovably the capstone upon the pyramid of human liberty.

U. S. GRANT.

S P E E C H

OF

HON. RICHARD YATES,

OF ILLINOIS,

ON THE BILL TO REVIVE THE GRADE

OF

“General of the Army of the United States,”

DELIVERED

IN THE SENATE OF THE UNITED STATES, JULY 18, 1866.

WASHINGTON, D. C.

CHRONICLE PRINT.

1866.

S P E E C H
OF
HON. RICHARD YATES,
OF ILLINOIS.

Mr. WILSON. I now move to take up House bill No. 3.

The motion was agreed to, and the bill (H. R. No. 3) to revive the grade of General in the United States army was considered as in Committee of the Whole. Its first section revives the grade of "General of the army of the United States," and authorizes the President, whenever he shall deem it expedient, to appoint, by and with the advice and consent of the Senate, a General of the army of the United States, to be selected from among those officers in the military service of the United States most distinguished for courage, skill, and ability, who, being commissioned as General, may be authorized, under the direction and during the pleasure of the President, to command the armies of the United States.

The second section provides that the pay proper of the General shall be \$400 per month, and his allowances in all other respects shall be the same as were allowed to the Lieutenant General by the second section of the act approved February 29, 1864, entitled "An act reviving the grade of Lieutenant General in the United States army," and that the General may select for his chief of staff a brigadier general from among the officers of the army holding that rank, and may appoint upon his staff such number of aides, not exceeding six, as he may judge proper, who shall each have the rank, pay, and emoluments of a colonel of cavalry.

The Committee on Military Affairs and the Militia, proposed to amend the bill by striking out all of the second section after the enacting clause and inserting the following in lieu thereof:

That the pay proper of the General shall be \$400 per month, and his allowance for fuel and quarters, when his headquarters are in Washington, shall be at the rate of \$300 per month, and his other allowances in all respects the same as are allowed to the Lieutenant General by the second section of the act approved February 29, 1864, entitled "An act reviving the grade of Lieutenant General in the United States army," and the chief of staff to the Lieutenant General shall be transferred and be the chief of staff to the General, with the rank, pay, and emoluments of a brigadier general in the army of the United States; and the act approved March 3, 1865, entitled "An act to

provide for a chief of staff to the Lieutenant General commanding the armies of the United States," is hereby repealed; and the said General may appoint upon his staff such number of aides, not exceeding six, as he may judge proper, who shall each have the rank, pay, and emoluments of a colonel of cavalry. And it is hereby provided, that in lieu of the staff now allowed by law to the Lieutenant General, he shall be entitled to two aides and one military secretary, each to have the rank, pay, and emoluments of a lieutenant colonel of cavalry.

Mr. YATES. Mr. President, the war through which the country has just passed developed many great military men whose names are associated with this or that particular campaign, or this or that particular field of battle. But viewing the war from its commencement to its close, what man is there whose name, like that of Grant, is connected with almost every really effective military movement which marked its progress? What a record is his. How marvelous are the ways of Providence in the affairs of nations and of individuals. What changes, surpassing the enchantments of romance, may be seen in four short years. Is it not a matter of profound wonder that a man of such stoic simplicity of character and of such surpassing modesty; that the plain, unassuming, quiet citizen of Illinois, who five years ago sought the humblest service in the armies of the Union, should prove to be the only man whose rare genius and energy rose in proportion to the colossal demands of the war; who should rise from the humblest clerkship and step by step ascend every grade of promotion to the exalted rank of Lieutenant General? Is it not strange that such should be the man who has conducted the most gigantic of all wars to a successful conclusion, and whose name, glory-crowned with shining victories, shall fill thousands of history's brightest pages and live in freedom's anthems to the end of time?

It would be affectation in me not to acknowledge a personal as well as State pride in aiding the bill before the Senate with my voice and my vote. As a Senator from the State where General Grant resides, which claims not only an interest in common with other States, but also a special and particular interest in the fame of her illustrious son, I feel it my duty to advocate this measure. Some remarks from me also may not be inappropriate on account of certain personal and official relations in which I stood to him at the commencement of the war.

In April, 1861, I first saw General Grant. I knew nothing of him. I did not then know that he had seen service in Mexico; that he had fought at Palo Alto, Resaca de la Palma, and at Monterey under General Taylor; or that he had served under General Scott in his memorable campaign from Vera Cruz to the city of Mexico; or that he had been made first lieutenant on the field for gallantry at Molino del Rey, and brevetted a captain for the gallant and skillful manner in which he had served a mountain howitzer upon the heights of Chapultepec, under the observation of his regimental,

brigade, and division commanders, as appears from the official reports of the battle by General Worth and other officers.

In presenting himself to me he made no reference to any merits, but simply said he had been the recipient of a military education at West Point, and now that the country was assailed he thought it his duty to offer his services, and that he would esteem it a privilege to be assigned to any position where he could be useful. I cannot now claim to myself the credit of having discerned in him the promise of great achievements or the qualities "which minister to the making of great names" more than in many others who proposed to enter the military service. His appearance at first sight is not striking. He had no grand airs, no imposing appearance, and I confess it could not be said he was a form

"Where every god did seem to set his seal
To give the world assurance of a man."

He was plain, very plain; but still, sir, something, perhaps his plain, straightforward modesty and earnestness, induced me to assign him a desk in the executive office. In a short time I found him to be an invaluable assistant in my office, and in that of the adjutant general. He was soon after assigned to the command of the six camps of organization and instruction which I had established in the State.

Early in June, 1861, I telegraphed him at Covington, Kentucky, (where he had gone on a brief visit to his father,) tendering him the colonelcy of the Twenty-first regiment of Illinois infantry, which he promptly accepted, and on the 15th of June he assumed the command. The regiment had become much demoralized from lack of discipline, and contention in regard to promotions. On this account, Colonel Grant, being under marching orders, declined railroad transportation, and, for the sake of discipline, marched them on foot toward the scene of operations in Missouri, and in a short time he had his regiment under perfect control.

He was assigned to the protection of the Quincy and Palmyra and the Hannibal and St. Joseph railroads, and his success in organizing the troops under his command, and his vigorous and successful prosecution of the campaign in north Missouri soon procured for him the rank of brigadier general. He was transferred to Cairo, the most important strategic point in the Mississippi valley, and, after organizing his army with marvelous celerity, and infusing soon after into these suddenly raised troops the proper *esprit de corps*, he marched upon Paducah and fought the desperate battle of Belmont. And here commenced that series of splendid victories, from Belmont to Look-out Mountain, which turned the tide of our national fortunes, dispelled the gloom and despondency which defeat, poor strategy, irresolution, inaction, and blunders had brought upon the country, lifted the veil and revealed to

the Republic at last the man so much needed to lead her armies to complete and final victory.

At Belmont, at Donelson, and at Shiloh, he broke the shell in which secession sought to shelter itself, and dissipated the dreams of fancied southern invincibility. At Vicksburg he probed its very vitals, and destroyed the monster in the Mississippi valley, never more to rise. The importance of Vicksburg as an objective point, and as affecting the destinies of the war, was fully seen by the leaders of both contending powers. Jeff. Davis aforetime, fully realizing the importance of Vicksburg as a strategic point, in a speech to the Mississippi Legislature, on the 6th of December, 1862, declared—

“That the fall of Vicksburg would cut off their communications with the trans-Mississippi department, whence they drew vast supplies, and would permanently sever the eastern and western portions of the confederacy.”

The enthusiastic Sherman with rare foresight, which has been verified by subsequent events, declared, in a speech at St. Louis, “The possession of Vicksburg is the possession of America.” Grant, as evidenced by all his plans and movements, was of the same opinion.

New Orleans was already ours, and Port Hudson, as a consequence of our capture of Vicksburg, soon fell into our hands. From Cairo to New Orleans the great river had been held by the enemy, and the black banner of secession had flaunted defiantly from all its strongholds; but now, thanks to General Grant and his invincible armies, every foot on either shore was wrested from him, and in some fifteen battles, with no serious reverse to our arms, the shattered and dismayed legions of the enemy were driven from their supposed impregnable fortresses to new and interior positions remote from the river, and millions of loyal hearts rejoiced that this great artery of the continent, unvexed by treason's barriers, was once more, and as we hope forever, free. Scarcely less important were the campaigns of General Grant terminating in the brilliant victories of Lookout Mountain and Missionary Ridge, and securing to us the permanent possession of Chattanooga, which was regarded by military men of both armies as the next most important strategic point in the rebel States, and it was made the base of that magnificent military movement which is without a parallel in the annals of war, when Sherman and his veteran warriors swept like an avalanche from Atlanta to the sea through the very heart and home of treason.

The successes of Grant in the West filled the nation's cup of joy, and President Lincoln wisely read the nation's will in committing to him the command of all our armies, and particularly of the unlucky but heroic army of the Potomac, which, baffled but not beaten, had stood for long years like a wall of fire against the assaults of treason. And here, again, victory

followed the invincible Grant, and in a series of battles more bloody than Waterloo, more brilliant than Austerlitz, he displayed the sterling qualities of the great commander. Those forty days of hand-to-hand fighting in the battles of the Wilderness, which carried the army of the Potomac from the Rapidan to the James, amid the fearful shock of brigades and divisions and the onset of army against army along their whole lines, through scenes of fearful slaughter, while the murky air resounded with the thunders of artillery and crash of musketry, and the night was forced to disclose by the lurid light of continued conflict horrid sights beyond all power to tell, bring to the memory the traditions of the fierce wars of the ancients, reminding us of old Marathon :

“As on that morn to distant glory dear,
 The camp, the host, the fight, the conqueror's career,
 The flying Mede, his shaftless, broken bow,
 The fiery Greek, his red pursuing spear;
 Mountains above, earth's, ocean's plains below;
 Death in the front, destruction in the rear.”

Now is not the time, nor this the place, but it is for the historian in ample pages to follow the shining record of Grant, written in the triumphs of Henry, Donelson, Shiloh, Corinth, Vicksburg, Chattanooga, the Wilderness, and the siege of Richmond; written in the blood and sacrifices of our living and slaughtered braves, and upon the hearts and memories of the loyal millions who, amid alternate hope and fear, have watched our leader as with resolute front, step by step, he has led the nation through the night of gloom and despondence to the day of final and glorious deliverance.

General Grant possesses personal courage to a high degree. Amidst the most horrid carnage and the wildest tumult of battle he was imperturbably quiet, his mind clear, scanning critically all movements on the field, and never giving a thought to danger or to death. At the same time if he saw a weak point in his line of battle or a column wavering, where his personal presence might inspire courage, he would fly to that point or dash like a McDonald to the head of that column, plunge into the thickest of the fight and hold up the standard upon the last outpost of danger and death. No general can command the entire confidence of an army and bring out the full fighting strength who himself has not personal courage, and whose headquarters are not in the field. Men will fight and brave the highest feats of lofty daring, scale the heights, or face the most frowning batteries, when they see their beloved commanders sharing their fortunes in the dread hour of conflict. Understanding this, Grant dashed along the lines at Belmont, and had his horse shot under him while rallying his men, who were confounded by the double fury of their foes, suddenly re-enforced by fresh battalions, and a terrible storm of projectiles from their artillery at Belmont and Columbus.

On the first day at Pittsburg Landing—a black and terrible day—all day he rode along his decimated lines and inspired the weary troops to stay the stormy tide of disaster which was beating them back through Shiloh's dark and bloody woods to the water's edge. I sat on my horse near him at Port Gibson, upon an eminence where our artillery was posted, and where he was exposed to a most terrible fire of the enemy's musketry and artillery. While he was surveying the field and patiently waiting for the assault of Osterhaus's division as it moved upon the main force of the enemy, who had massed themselves in their full strength upon the Grand Gulf and Port Gibson road, suddenly the batteries and musketry of the enemy opened and poured showers of shot and shell and hissing Minie balls on the point at which we were posted. I noticed that while a regiment of ours held in reserve at that point, and which was much exposed, was ordered to seek shelter in a ravine close by, Grant, seemingly insensible to danger, quietly smoked his pipe and coolly watched the movements of the contending forces. Only once he said to me, jocosely, "Governor, it's too late to dodge after the ball has passed." I watched him narrowly, and the thought of personal danger did not seem once to have entered his mind. As for myself, I felt much relieved when after a short interview with General Rawlins, his chief of staff, he said, "Governor, we will go and order Logan up."

Was not his a courageous spirit who, with fame already secure by the bright record of a hundred victories, dared to accept the crushing responsibility of commanding the army of the Potomac, where so many generals had been sacrificed, and where so many bloody reverses had almost dispirited the army and shrouded the land in mourning? Here he was to confront the flower of the rebel army, led by their greatest commander, who, in their estimation, wore the charm of invincibility. Here he must contend with a foe which, up to this time, had courageously maintained his position, elated by the success of several victories and dashing raids, and who now to the pride of victory had added the fierce courage which despair inspires in men fighting for the last rampart left them by adverse fate. But with the same unselfish spirit which had animated his whole life he did not pause to count the consequences to himself, but came at the call of his country. He accepted the heretofore fatal command, and his watchword was "On to Richmond!" as before it had been "On to Vicksburg!" Self-reliant, he formed his own plans, and started out on a route which had already been condemned by our military men. His first battle in the Wilderness appalled the world at the sight of its sanguinary slaughter. I think it almost safe to say that no General living save Grant himself would, after such dreadful slaughter and in the face of so many frowning obstacles, have persevered in the plan which he had marked out for himself. But Grant did persevere. From the

beginning his method had been to move on the enemy's works wherever he could find them, and if he could not utterly overwhelm and destroy him in every instance, yet he considered himself successful if he maintained his ground and as much loss was inflicted upon the enemy as he himself received.

Grant's intuition taught him that it was a question of endurance, a contest between the patient, stubborn courage of the North and the enthusiastic dash of the South, and that victory would necessarily reward that party which with greatest loss could yet continue the contest. To him it was the two-handed sword of *Cœur de Lion* against the flashing cimeter of the *Paladin*; it was the ax of the Norseman thundering on the light shield of the Saxon or the Celt. I cannot better illustrate his idea than by quoting from his official report, in which, with great clearness, he indicates part of his plan :

"To hammer continually against the armed forces of the enemy and his resources, until by mere attrition, if in no other way, there should be nothing left to him but an equal submission with the loyal portion of our common country to the Constitution and laws."

And so, though the first battle of the Wilderness may have been a drawn battle, and though in the second our loss was counted by thousands upon thousands of our slaughtered heroes, though nature seemed in league with treason against us, and frowning batteries, impregnable fortifications, impenetrable swamps, and tangled thickets confronted him at every step of his chosen path, while from the cover of every shrub, tree, and rock, an unseen foe assailed him with storms of bullets, and hundreds of cannon poured their murderous fire upon his army, still relying upon himself and his plans with a confidence that was sublime, he pressed forward, and coolly telegraphed to the Secretary of War, "I propose to fight it out on this line if it takes all summer."

Sir, he did fight it out on that line, for though Lee, in his blasphemous order of May 14, said, "The heroic valor of this army, with the blessing of Almighty God, has thus far checked the principal army of the enemy, and inflicted upon it terrible losses," yet, sir, day by day Lee was driven back toward Richmond, an unwilling witness to the skill, strategy, and tenacity of his unconquerable antagonist.

His tenacity of will is wonderful. He is never whipped. If his losses are greater than the enemy, or if he has drawn back, still he is not whipped. He will not admit that there is any obstacle. While the great Lincoln with long strides nervously paced his executive chamber at midnight and mourned as unpropitious to the plans of Grant the storm which beat in mad fury upon the roof and along the corridors and upon the window-panes of the White House, yet Grant accepts the situation, and uses the storms of heaven as his appliances, as he did most effectually on the third day of the battle of the Wilderness.

It never could be said of him, as of the great Napoleon at Waterloo, that a shower of rain had lost him a battle.

Mr. President, while General Grant is possessed of extraordinary courage and tenacity of purpose, it must not for a moment be supposed that these constitute his chief claim to greatness. I am here to claim for him military strategy of the highest order; what facts and results have established and what history will proudly vindicate—that wonderful power which so few men have exhibited in the great contests of nations—the genius which with comprehensive glance sweeps over vast fields of conflict, perceives the grand objective points, arranges and combines the proper forces, provides against the contingencies which make up so much of war, carries out every detail of the most complicated plan, and with certain prescience commands all needful agencies to move in synchronous march upon the enemy.

The success of his Mississippi campaign is not to be attributed to courage alone, but to that grand strategy displayed in a thorough understanding of the plans, positions, and movements of the enemy, and in making such a disposition of his own forces as to employ and thwart the enemy at every point, and yet to keep pressing inevitably and irresistibly forward upon his own line toward Vicksburg, the objective point of all his operations. It was not simply to drive the enemy from Belmont, Island No. 10, Fort Henry, Memphis, and to fight his way straight down the Mississippi by storming him in every stronghold—this he could do with his invincible legions of the Northwest, and this he did do in a series of shining victories which blaze on the annals of the war—but he had also to take in his plans a vast territory of hostile States; the Cumberland, the Tennessee, and the Arkansas, from their mouths to their headlands; and to cut off the enemy in all lateral directions upon his interior lines, keep up his own base lines, and leave no enemy in his rear to overrun Illinois, Missouri, and southern Kentucky; and he displayed the greatest military genius by such a disposition of his forces, and such timely movements as not only to carry victory along the banks of the Mississippi but to carry it in a broad belt on either side, until finally he could and did concentrate all the divisions of his army to the overthrow of the rebel Gibraltar—Vicksburg.

His decisions were rapid and quick; he laid the whole field before him clear as a map, and turned the severest reverses and most formidable obstacles to advantage by instant and rapid combinations. It was my good fortune to witness his operations before the capture of Vicksburg. Having succeeded with great labor and difficulty in transporting his troops through intricate bayous and swampy roads to a point below Vicksburg, he conceived the bold strategy of supplying them with stores and heavy ordnance, and with transportation of the troops by running his gunboats and transports by the batteries at night. The precipitous cliffs for miles above and below the city were lined with tiers of heavy artillery; and rifle pits swarming with infantry down the

water's edge. Every preparation had been made for the perilous enterprise. Night closed in with rayless darkness. I stood with Grant upon the deck of a small steamer in the middle of the Mississippi, from which he kept an eye to the movements of his fleet. It was then I saw sights men rarely see. Eight gunboats and three transports dropped quietly into the channel and floated down the current. Suddenly the batteries and rifle pits opened their simultaneous fire, while the gunboats returned from heavy guns broadside after broadside upon the devoted city. The whole bluffs were a blaze of fire. Indeed, sir, it looked as if a mighty wall of lightning from earth to sky stood still and motionless, while deep thunders rolled, reminding one of the scene—

“When Jove from Ida's top his horror spreads;
Thick lightnings flash; the muttering thunders roll
Wide o'er the field, high blazing to the sky;
And o'er the forest rolls the flood of fire;
And 'dreadful gleamed the face of iron war!’”

Our boats, contrary to my expectations, safely passed below, and so far Grant's strategy had not failed. But still greater obstacles confronted him, and he must resort to new strategy. Before he could attack Vicksburg from below, Grand Gulf must be taken. Grand Gulf was a strongly fortified position at the mouth of the Big Black river, and here Grant gave a striking display of his strategic skill, which attracted the attention of military men everywhere, and which proved to be a pivot on which turned the mightiest events, results, and destinies of the war.

On the morning of April 29, the six gunboats moved down the river to the assault, while the transports, with the troops on board, followed, ready to debark and storm the heights as soon as the batteries should be silenced. Our gunboats, under the command of that great naval commander, Porter, ran close in shore, under the enemy's guns, within pistol shot, and poured their broadsides upon his works, to which the enemy responded with a terrific fire from the throats of his heavy guns on the heights above. From a tug-boat in the middle of the stream we witnessed the scene. All around, distinctly visible to the naked eye, we could see the cannon-balls flying through the air skipping in wild leaps along the surface of the river, while—

“Howling and screeching and whizzing
The bomb-shells arched on high;
And then, like fiery meteors,
Dropped swiftly from the sky.”

But the batteries could not be silenced, and Grand Gulf could not be stormed. After four hours bombardment we boarded the flag-ship Benton, and Grant, after a short interview with Admiral Porter, seemingly on the instant decided upon a *coup de main*, which proved his power as a strategist, and from the jaws of defeat he snatched the standard of victory.

He ordered his troops to debark and marched them to a point below Grand Gulf, ran the batteries with his boats, embarked his troops again, crossed the river and fought the battle of Port Gibson, gaining the first of that splendid series of victories which terminated in the fall of Vicksburg. Here again Grant adapted himself to the circumstances of the case, and made a plan of his own contrary to that which had been laid down for him at Washington. I presume General Grant never received a higher compliment or one that he so much prized as that contained in a letter of Mr. Lincoln of July 3, 1863. Mr. Lincoln said:

"When you got below and took Port Gibson and Grand Gulf, I thought you should go down the river and join General Banks; and when you turned northward east of Big Black I feared it was a failure. I now wish to make a personal acknowledgment to you, that you were right and I was wrong."

Grant had great confidence in the pluck and mettle of his army and he considered the victory was half won whenever he made up his mind to let the brave Illinoisians and other troops of the Northwest go into the battle. His policy was to "let 'em fight," and to fight the enemy wherever he could find him. Still it cannot be laid to his charge that he was reckless of the lives of his officers and men, for he never asked them to go where he was not willing to lead. In the battles of the Wilderness he did not, as has been charged, run heedlessly upon the intrenchments of the enemy. He resorted to flanking movements, concentrating his strength first upon one wing and then upon another; or, having divided the forces of the enemy, he threw his whole force like an avalanche upon the center, and drove him back to new positions, until, dispirited and besieged, the confederate capital fell like ripened fruit into his hands.

When he assumed supreme command as Lieutenant General he changed radically the whole plan of our military operations. He discontinued the plan of independent spasmodic movements by our different armies—a plan which had enabled the enemy to move as upon a pivot, and to confront our divided forces now at one point and then at another, and to baffle us by a superior concentration of his forces. But, sir, I read from his own report to show what this policy was which all now see was necessary to turn the tide of fortune in our favor. He says:

"I therefore determined first to use the greatest number of troops practicable against the armed forces of the enemy, preventing him from using the same force at different seasons against first one and then another of our armies, and the possibility of repose for refitting and producing necessary supplies for carrying on resistance."

The anaconda of which so much had been said early in the war was no longer a myth. If he was not the author of the comprehensive idea conveyed by that word to the public mind he was the first to vitilize and make it real.

He did not simply move forward the army of the Potomac, but for the purpose of employing the enemy at every point and preventing the concentration of his forces upon any given point, General Grant set in motion all the armies of the Union—Sherman against Johnson; Butler moved up the James, Sigel up the Shenandoah valley, Banks against Shrevesport, Sheridan against Early, and other Generals in their appropriate places, in the mighty drama which ended in the death of the rebellion.

Mr. President, when the history of this war is carefully read with the map of the campaigns before you; when all the details of departmental organization are understood; and when all the orders, correspondence, and dispatches are properly weighed; when all the co-operative movements of the various divisions of his armies are carefully studied; the vast territory he had to overlook, to conquer and to defend; vast communications by land and water; immense supplies and transportation to be provided; a confronting enemy ever vigilant, brave, confident, commanded by skilful leaders; and all the splendid results of his great plans are considered, we may truthfully pronounce him the model commander of the age in which he lives. I know well the secret of his power, for when I saw him at headquarters, upon the march, and on the battle-field, in his plain, threadbare uniform, modest in his deportment, careful of the wants of the humblest soldier, personally inspecting all the dispositions and divisions of his army, calm and courageous amid the most destructive fire of the enemy, it was evident that he had the confidence of every man from the highest officer down to the humblest drummer-boy in his command.

He also judged men with the most unerring accuracy, so that when the choice lay with him he always selected the right man in the right place. Need I mention Sherman, McPherson, Meade, Hooker, Hancock, Thomas, Howard, Logan, and many others who were relied upon by him, each for some particular excellence or fitness assigned a specific duty? With what sagacity, too, did he select those two gallant chieftains, Grierson in the West and Sheridan in the East, as *avant couriers* to herald his own mighty coming.

It is needless to recount here the details of Grierson's grand raid, in which, with three regiments only, he suddenly abandoned all communications with his base and supply trains, almost without artillery, and beset on all sides by hostile forces, and, subsisting entirely upon the enemy's country, he swept through the confederacy, cutting telegraph lines, destroying railroad communications, burning depots of military supplies, and spreading dismay among the people, and after destroying millions' worth of the enemy's stores, marched into New Orleans, with streaming colors and glad music amidst the wild acclamations of the army of the Gulf.

I need not refer to Sheridan. His heroic deeds outshine the romantic stories of the past, when mailed knights fiercely strove with gods around the walls of

Troy. Such was Grant's confidence in Sheridan that it is said he hardly ever gave him an order in detail. When he asked the privilege of attacking the enemy in his stronghold at Winchester, Grant's simple order was, "Go in." And on another occasion he said to Sheridan "Go and whip Early." It is said that Napoleon was greatly disturbed and uneasy during the battle of Bantzen, until he heard the sound of Ney's guns thundering on the left, when he sat quietly down and wrote Marie Louise the victory was gained. Such confidence as Napoleon had in Marshal Ney, Grant had in gallant, glorious Phil. Sheridan.

The American people have not lavished upon their heroes costly presents of princely estates, nor stately pile nor royal titles, such as England bestowed upon her Marlboroughs, her Nelsons, and her Wellingtons, but for their great services this nation has conferred upon Washington, Jackson, and Taylor, a position of more value than heaps of shining gold and prouder than that of emperor; and monarchs may well envy them the title of Citizen President of the United States of America.

Who among the long roll of honored names has achieved a grander success or given to his people a nobler boon than Grant? Black visaged war desolated the land; horrible dread froze up the fountains of hope; from every house went up to heaven wails for the loved and lost, louder than Israel for the loss of her first born; and from foreign despotisms came the shouts of exultation over the fading fortunes of our great experiment for universal liberty. And when there was no eye to pity or arm to save, suddenly a light gleamed athwart the sky, hope banished sickly fear, order was where confusion reigned, and victory snatched our chastened nation from the jaws of ruin and clothed her anew with the garlands of immortal youth; and the people saw high above the common plane their two deliverers, Lincoln and Grant.

Alas! how soon the dread javelin seeks the shining mark and leaves but one. Long may he wear the charmed life; Ithuriel-like, within our Eden, be "armed with a spear of celestial temper."

And now, sir, why should we not eagerly seize the opportunity to confer upon General Grant the grade of General of the armies of the United States? It was conferred on Washington, and who will say it was not justly and worthily bestowed? Then why shall we do less to him who dared all and conquered all in a darker and grander crisis of our fate?

If it is objected that we should not lavish honors and emoluments upon one where all, officers and privates, have done so well, I reply, if reply is necessary, that in honoring him we honor all his comrades in arms, and I am sure that not one, from the highest officer, from the great Sherman down, down through all the ranks to the humblest private soldier, will say no to this tribute to the exalted worth of their great commander.

I repudiate the imputation of prodigality of the people's money in advo-

cating the small appropriation proposed to be added to the salary of General Grant by this bill. While I believe this grateful and magnanimous nation will not object to this almost nominal increase of his salary, I believe they are also willing to be taxed to the extent of making all our soldiers equal in bounty and pay for their services in rescuing the country from total ruin, and for that reason I desire to vote for any measure that will accomplish that measure at the earliest possible moment. If this Congress should issue one hundred-year bonds, with interest, to be appropriated to the support of our wounded and penniless soldiers, and of the widows of such as died by disease or wounds in the service, and for the liberal education of the orphans of our poor dead soldiers, do you suppose our nation would be any poorer for such a boon to its brave defenders who saved its very life? No, sir, but far richer; for then, indeed would this nation be strong in a race of heroes; every cabin would be a fortress, and every woman a soldier; and while our posterity, who had the principal of the debt to pay, would celebrate the achievements of the men who had borne aloft the flag, they would also indorse the acts of the statesmen who had done some little to reward the heroes who had offered themselves a willing sacrifice upon the altars of patriotism and liberty.

It has come down from age to age, as the shame of the ancient republics, that they were ungrateful to public benefactors; that those who had borne their eagles farthest over conquered kingdoms, or rendered most service to their country, either in the field or council chamber, were the most liable to censure, ostracism, and even death, to gratify the popular caprice. The poet thus characterises this popular caprice in the sudden transfer of the popular favor from the defeated Pompey to the victorious Cæsar, by words put into the mouth of a tribune of the people:

“Wherefore rejoice? What conquests brings he home?
 What tributaries follow him to Rome
 To grace in captive bonds his chariot-wheels?
 You blocks, you stones, you worse than senseless things!
 O, you hard hearts, you cruel men of Rome,
 Know ye not Pompey? Many a time and oft
 Have you climbed up to walls and battlements,
 To towers and windows, yea, to chimney-tops,
 Your infants in your arms, and there have sat
 The live-long day, with patient expectation,
 To see great Pompey pass the streets of Rome;
 And when you saw his chariot but appear,
 Have you not made an universal shout,
 That Tiber trembled underneath her banks
 To hear the replication of your sounds
 Made in her concave shores?
 And do you now put on your best attire?

And do you now cull out a holiday?
 And do you now strew flowers in his way
 That comes in triumph over Pompey's blood?
 Begone!
 Run to your houses, fall upon your knees,
 Pray to the gods to intermit the plague
 That needs must light on this ingratitude."

Mr. President, never let it be said that this Republic shall incur the shame of ingratitude to public benefactors which spreads a cloud over the bright glories of the great republics of the past.

But, Mr. President, I should not finish the picture were I to stop here. Grant is free from inordinate ambition, and from many of the faults and vices which have sullied the character of many others who have been chronicled as great men in history. He is an honest man; he is gentle and kind, magnanimous to the vanquished; of rugged virtue; stern simplicity; plain, republican manners; true to freedom without regard to caste; spotless purity of life, and elevated devotion to country, standing out before the world as Washington and Lincoln stood, an ever-present and sublime illustration of the fact that exalted greatness and exalted goodness are one and inseparable.

I do not wish to deal in panegyric. I know that Grant cares as little for it as any man. He never sought glory. There is nothing about him of the pomp or vaingloriousness or glare which men call glory. All that he desires is truth. He is the last man who would have ascribed to him achievements which he never wrought, or praise for words he never uttered. As we look upon that calm, reticent, statue-like figure, it is hard to realize that he is the man who stood self-poised and unmoved by the discordant elements of the great revolution through which we have passed, and with the certainty of fate directed the destiny of a continent. But time, which at last sets all things even, will reveal him to the world and blazon him greater in history than Alexander, whose ambition the conquest of a world did not satisfy; greater than Cæsar, who sacrificed the glory of republican Rome for the pagentry of universal empire; and greater than Napoleon, who bartered the victories won by the sword for the vain magnificence of the imperial purple.

Grant welcomed the end of conquest as a national blessing. His name will go shining down the ages lustrous with the halo of great achievements and of great beneficence, without strain of selfishness; and will be enshrined in the hearts of the coming millions as the man to whom we are most indebted for the success of our arms, the triumph of truth and liberty, and the preservation of our national Union.

ADDRESS

OF THE

HON. RICHARD YATES,

DELIVERED AT THE

GRAND OVATION

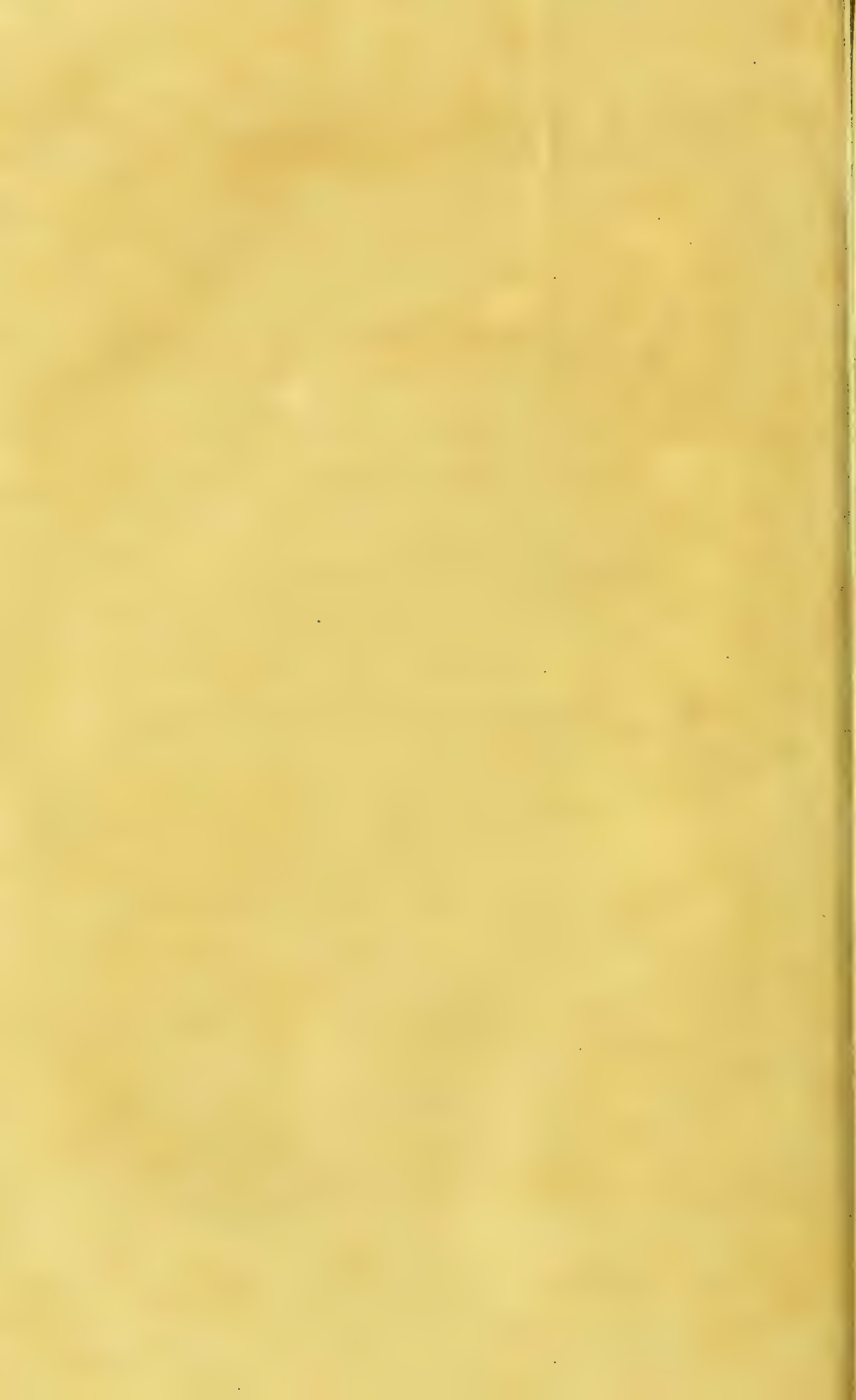
TENDERED HIM BY THE

CITIZENS OF JACKSONVILLE,

In Approval of his Course in the 39th Congress.

Delivered at Strawn's Hall, Saturday Evening, Sept. 15, 1866.

JACKSONVILLE :
JOURNAL STEAM POWER PRESS PRINT.
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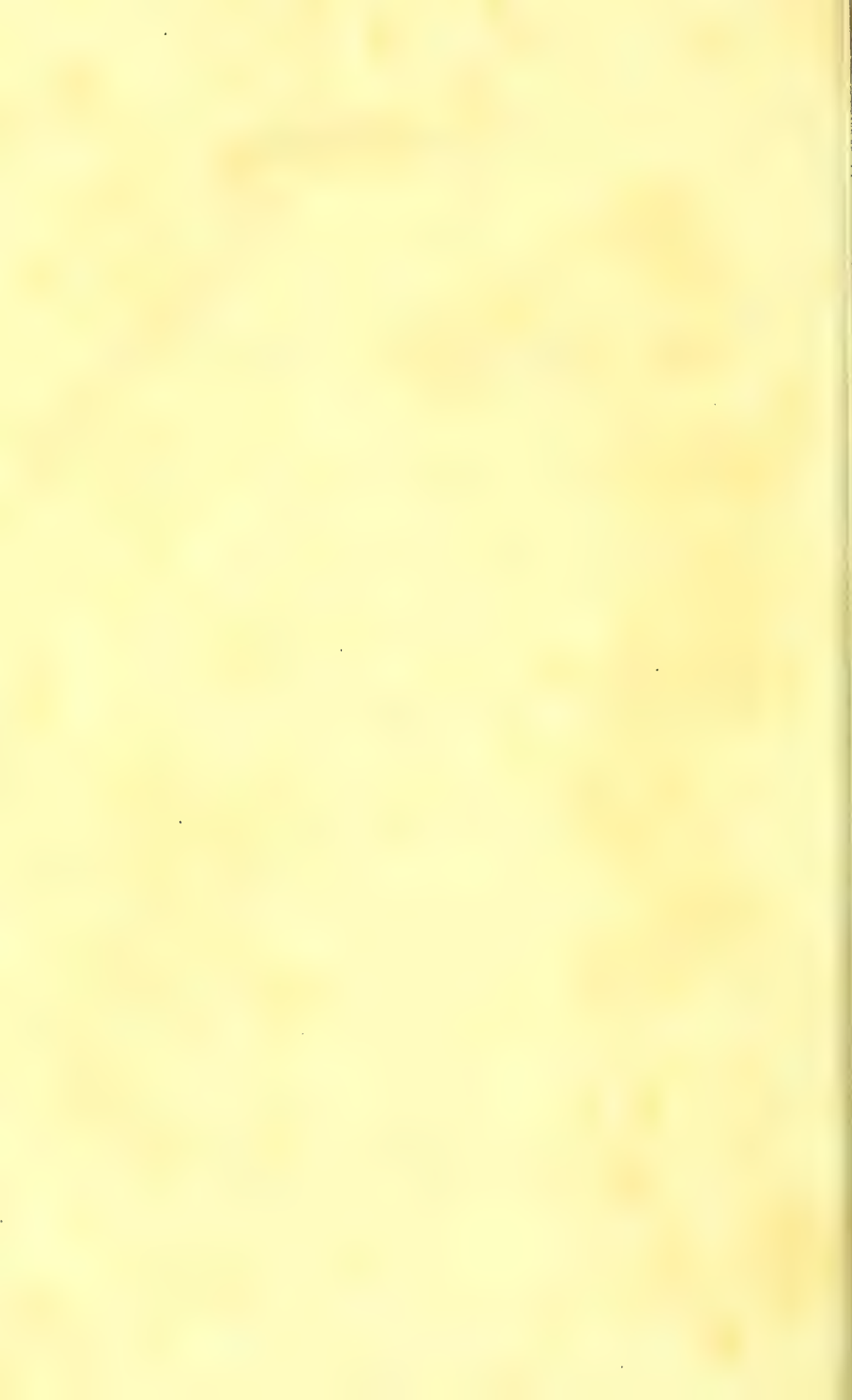
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CORRESPONDENCE.

JACKSONVILLE, ILL., Sept. 17, 1866.

HON. RICHARD YATES—DEAR SIR:

Having had the pleasure of listening to your eloquent address at Strawn's Hall, on the evening of the 15th inst., we are desirous that your many friends who were unable to hear you on that occasion may read your remarks.

We, therefore, respectfully request a copy for publication, if you can conveniently favor us with the same.

Very respectfully,

J. W. KING.
WM. P. BARR.
J. T. NEWMAN.
OLIVER J. PYATT.
WM. B. JOHNSON.
JOSEPH TOMLINSON.
DAVID M. SIMMONS.
GEO. W. PADGITT.
W. C. WOODMAN.
WM. HAMILTON, Jr.
JOS. J. IRONMONGER.

Committee.

JACKSONVILLE, ILL., Sept. 19, 1866.

Messrs. J. W. King, W. P. Barr, J. T. Newman, Oliver J. Pyatt, and others—
Committee:

GENTLEMEN: I take pleasure in complying with your request, and herewith enclose you a copy of my Address for publication.

I return to you and our fellow-citizens whom you represent my sincere thanks for the beautiful and cordial manner in which you and they have seen fit to express your appreciation of my humble services.

Very respectfully,

RICHARD YATES.

Address of Welcome, by Hon. P. G. Gillett.

Friends, Fellow-Citizens, Ladies and Gentlemen:

Our community is one peculiarly favored in many respects. Seasons of festivity, of honest gratified exultation, are by no means uncommon occurrences among us. We are assembled this evening, however, upon an occasion of no ordinary interest and importance even in Jacksonville. The purpose of our coming together is to do ourselves credit by welcoming to his home, and awarding a well-earned honor to one whose residence among us has made the name of our fair city a household word throughout the land. We are not here merely to while away an hour. Nor is it ours to indulge in fulsome adulation of the living. We live in a time when men are called upon to *act* rather than talk

—act with the living Present,
Heart within and God overhead!"

[Applause.] He who exercises the stern and responsible functions of an American Citizen in the year of grace 1866, when Freedom is threatened with betrayal in the house of its friends, has no time to sport away the hours. *All* must be in earnest in a time like ours.

RICHARD YATES, our distinguished fellow citizen and townsman, now once more among us, has been, all his life, a thinking, acting, earnest patriot; because as a youth, a citizen, a legislator, a Representative in Congress, a Governor, and now a Senator, he has led the van in the forward march of public sentiment—a true "Richard of the Lion heart." We are here to night to welcome him back to our homes and hearthstones, happy to call him *ours*, and to assure him he has never been absent from our hearts. [Applause.] Because, in the hospital, stretched upon couches of pain and languishing, comforted by the nurses,

and nourished by the supplies *he* has furnished them; because upon the battle-field in the agonies of death; because always and everywhere he is enshrined in the hearts of Illinois' "boys in blue," whose colors were never struck, and whose backs were never turned on the foe—the "Soldiers' Friend," we welcome him home to-night. [Applause.] Because, when a change of front was made from the field of battle in Dixie to the White House and halls of Congress in Washington, he was as ready to encounter the enemies of Freedom in war of argument as he had been to accommodate them with Illinois valor, endurance and conquest. For all these and other reasons we welcome him home to-night. [Applause.]

SENATOR YATES: It has been made my pleasing duty, in the name of the citizens of Jacksonville—the scene of your youthful struggles, and the success of your manhood; of your domestic felicities and domestic afflictions—to assure you of their continued regard and affection, to welcome you to our homes and firesides, and to express the sincere and earnest hope that the few weeks of leisure from important public duties may be spent among us, to our mutual interest and profit. And, though I have been forbidden on this occasion to make a speech, yet, allow me to say that your neighbors of Jacksonville have watched with peculiar pleasure and pride, during the past year, your noble and manly stand for Liberty, Freedom, and equal and exact Justice.

Fellow citizens, neighbors, I now have the pleasure and honor of presenting to you your own beloved Senator YATES; and I propose that every man, woman and child present join in making the welkin ring with three rousing cheers for Richard the First, of Illinois. [Great cheering.]

ADDRESS.

FELLOW CITIZENS—I should be incapable of the emotions which should swell every heart, did I not return to you, now, my most sincere thanks for the cordial welcome you have given me on this occasion.

But I may first return my hearty acknowledgements to Mr. Gillett, for the graceful and most eloquent manner in which he has expressed your appreciation.

It is true that Jacksonville is my home. From boyhood, and during my manhood, it has been my home; and, to you, my fellow-citizens—to your suffrages and your counsels—I may truly say, I am indebted for the ground-work of whatever success I may have had through my life. Upon the present occasion, however, I am aware of the fact, that it is not simply from your personal regard—which I so highly appreciate—that you extend to me this cordial welcome; but it is from a higher consideration. It is from the consideration that, since we are in the midst of troublous times, and the very destiny of our nation is hanging, perhaps, on a few months of time, you extend to me this welcome because I have been one of that 39th congress, which, despite the blandishments, or the bribes, or the threats, or terrors of Executive power, has maintained itself, self-poised and well-balanced, in

the high and noble purpose of preserving the republic from the dangers which have surrounded it. (Applause.)

I have said that we live in perilous times. Is there a man before me who feels that his footing is entirely safe, even in this land which has been so happy during the years of the past, and whose political foundations we deemed so secure?

I remember well that on the 14th day of April, 1865, this nation was pleased with itself. Four years before that time, horror and indignation seized and inflamed the popular heart and mind, because the flag of the nation was torn by traitor hands from the heights of Sumter. The lurid flames of war shot athwart the horizon of the nation, and the tramp of marshalling hosts, and the pomp of warlike preparation broke the stillness of peace which had so long blessed the land. War came—and such a war—gigantic war—the soil was crimsoned, and our rivers ran purple with human gore. Armies marched and fought, and commanders lost and won their victories, now prosperous, now adverse fortune till, at last, success raised our ensign, Lee's proud army gave way, and victory streamed from all our banners in the North, in the South—upon the land, upon the sea (Applause.)

On that 14th day of April,

1865, the nation's eyes were turned to that same Fort Sumter, where thousands of our loyal countrymen had gone to raise that flag whence traitor hands had pulled it down. The streets of Washington were gay with banners; every house was brilliantly decorated, and Pennsylvania Avenue was a scene of beauty indeed. The measure of our happiness was full, and our thanks went up to God for the victory. Our gratitude went out to our Cabinet, to our skillful generals, to our brave unconquerable army, and to all the men and women of the land, who had labored for the grand results which their skill, and prowess, and great efforts had achieved.

But to one, high above all, did our gratitude go out; not to him as President, but to him as friend, deliverer, saviour, the immortal LINCOLN. (Applause.) It was strange, was it not, that on this day, the one event which, of all others, would most astound, sadden, and throw the nation back upon itself, should, amidst such universal gladness, occur—that the Moses who led us safely through the wilderness of our national troubles—the nation's chief—the nation's hope—the nation's most loved and honored one, who had sunk deeper in the affections of the American heart than any other man—the most magnificent man of the nation and the age; before whom every head in the civilized world was bent in reverence—was it not strange that he should, on that fatal day, be struck down by the hand of a vile assassin in the interest of treason?

His humble origin, his gentleness of manner, his humility, his purity of motive, his unswerving truthfulness, his pure, spotless life and character, and his elevated devotion to his country, had won for him the confidence of the American people. Their

hearts went out to him. They loved him, and leaned upon him with child-like and tender love. His opinions became their opinions; and yet, he modestly gave them credit for great policies, which he had long before conceived and elaborated and resolved to carry into effect. In this way he directed popular opinion, shaped and controlled events and ruled the nation without seeming to rule.

It is a matter of history that he had prepared upon paper his views upon the Amnesty Proclamation, the Emancipation Proclamation, and other great measures, long before his Cabinet or the people had conceived them. He was the educator of statesmen and the people up to the high-water mark of unconditional and universal emancipation. (Applause.)

He was not ambitious; or, rather, he was ambitious; but his ambition was a virtue, and not a vice; an unselfish ambition to serve his country, and be a benefactor of his race. He never sought glory. There was nothing of the vain-glorious pomp and boast of the braggart about him, which men called glory. He never sought office, and in not seeking it, he was driven to its most shining summit; and sat more securely upon fame's proud pinnacle, because careless whether there or not. The Presidency did not ennoble him; he ennobled the Presidency. No office, or rank, or station could come up to the simple majesty and grandeur of character of Abraham Lincoln. [Applause.] In a word it will be said, he was the priceless gift of God to America in a perilous time; and raised up to display in his simple and majestic person, that rugged simplicity, that stern virtue, and unextinguishable love of Liberty, which entitles me to stand here to-night and pronounce him the greatest statesman of the age in which he lived, and a sublime illus-

vation of the fact, that exalted goodness and exalted greatness are one and inseparable. [Applause.]

Fellow-citizens, what a mighty chasm between the lofty altitude of Abraham Lincoln and the infinitesimal littleness of Andrew Johnson. Johnson is vain, egotistical, weak, vacillating, selfish, stubborn, arbitrary; exalted far above his merit; possessing every passion upon which demagogues play; and now he disgraces himself in the eyes of the nation, and secures the contempt of mankind, for the degradation he is bringing on the high office which has been so gloriously ennobled and dignified by Abraham Lincoln.

He talks about being the Moses of the colored people. Upon the question as to who has been, or who may be the Moses of the colored people, it may not be amiss to refer again to Mr. Lincoln. There were some scenes in the majestic drama of Abraham Lincoln's life which no pen, or painting can portray, nor splendor of eloquence describe. On the 1st day of January, 1865, when vast crowds were pressing along Pennsylvania Avenue to take the hand of Abraham Lincoln, at his New Year's reception—the colored people, who constitute a very large proportion of the population of Washington, and into whose minds it had, somehow or other, crept, that, in the Providence of God, Abraham Lincoln was to be their deliverer, collected in large numbers on the commons fronting the White House. They there patiently waited till the procession went by, that they might pass through and take the hand of the President. Then they sent in a delegation to that effect, and were admitted; and when they had taken the hand of the President, they all bowed down with blind faith, and said, "God bless you, Massa Lincoln!"

He had, indeed, been a Moses to them.

And when Richmond was taken, through some sort of impression, some sort of faith or revelation, the colored people believed, that when the flag floated over the vanquished towers of Richmond they should see their deliverer. The day after the surrender, Mr. Lincoln, without previous notice to the military authorities at Richmond, took his little boy, got into a boat, went up the James river, landed on the bank, and, unheralded, with no escort, no roll of drums, no triumphal car, was quietly walking to the hotel. Somehow, whether on the wings of the wind, or otherwise, we do not know, the colored people heard of his coming, and in vast multitudes, men, women, and children, from the streets, the cellars, the by-ways, and the alleys, flocked around him and blocked up his way, waiting their hats and bonnets, and shouting "Glory to God," "God bless you, Massa Lincoln!" Here was, indeed, a Moses for the poor, down-trodden sons of toil.

I remember another never-to-be-forgotten scene, when the funeral cortege, bearing the President's remains, passed from the White House to the Capitol, along Pennsylvania Avenue, where multiplied thousands, from far and near, had assembled to mourn the loss of the nation's murdered chief; and when every house, window and tree top was covered with those who witnessed the solemn scene. In the close, compact crowd, the poor sons of toil, with weeping eyes and sad hearts mourned, with unutterable sorrow, the death of their great deliverer. They could not be kept back, but pressed forward to pay their last tribute of respect to their great benefactor. When Lincoln bowed down from the shining throne, they all bowed down, and appreciated the sorrow of

every man in that procession, without distinction of color.

Lincoln, the great Emancipator, was, indeed, a Moses to the colored people. Now, I say, what a chasm there is between that Moses, and this pretended Moses, who is traveling through the country, and dispensing his insane, everlasting twaddle against the true friends of Liberty and Union. A beautiful Moses is he to the colored people, who is for restoring slaveholders to all their old rights; for recognizing slave States, with laws flagrantly outraging the colored people, and who vetoed both the Freedmen's Bureau and Civil Rights bills, through which alone these people could have security for their lives and property.

I am not here to indulge in abusive epithets towards the President of the United States. I can have sufficient testimony to the fact that I have forborne; that I have made every effort at reconciliation. I love my country, and believe that the salvation of the country depends upon the Republican Union party. I did not wish to see the fruits of victory won from the foe, lost by divisions in our ranks. I was willing to tolerate any differences of opinion that were not material. If the President did not go as far as I did on the Suffrage and Civil Rights questions, I knew that in every honest, intelligent party, there must be a variety of opinions, and that toleration is demanded by every consideration of wisdom and public safety. I relied upon a promise, which, now, it seems, he treacherously made, that his quarrels in the Republican party should be fought out within the ranks of that party. I relied upon this promise, and in the various speeches which I made in Congress, did not utter a word against Andrew Johnson; and it was not until I saw that he was turning the warm, bosom friends of Mr. Lincoln out of his Cab-

inet, and out of offices, everywhere, and that he was taking vile traitors, and copperheads to his bosom, that I resolved to oppose him.

The Union majority in Congress forbore with the President, until longer forbearance ceased to be a virtue. Senator Trumbull has testified to you that when he drew up the Freedmen's Bureau bill, he went in person to the President and submitted it to him, and he approved it; that, after the bill was printed, he sent it to the President and he still found no objection. So of the Civil Rights bill.—Senator Trumbull has stated in several of his speeches, that he submitted a printed copy to the President, and requested him to suggest any objections, any defects, or amendments; and that he found no objection. And yet he treacherously sent in his veto to both of these bills, although they contained not a solitary provision which he had not before, in his speeches, messages and acts, fully sanctioned. Now, is not here an evidence of conciliation on our part? For Judge Trumbull, in these efforts at conciliation, was carrying out the wishes of the Republican Union party of Congress.

You may ask why, in the first instance, we voted for Johnson? We had good reasons for doing so. His record, just before and during the rebellion, had been fair, and he was chosen in the place of the former Vice President, who was a noble patriot and statesman, as an evidence of the desire of the Republican party to have all sections represented, and as proof of its opposition to any merely sectional party. The positions taken by Mr. Johnson had been such as the most radical of the Republicans could approve. In the Senate chamber he had been a most eloquent champion of the Union; and his denunciations of Jeff. Davis and his allies upon the

Senate floor were the most bitter and withering of which the English language affords an example. He said, in the Senate, March 2, 1861, speaking of these traitors: "I would have them arrested and tried for treason, and, if convicted, by the Eternal God, they should suffer the penalty of the law at the hands of the executioner. Sir, treason must be punished." As a member of the Committee on the Conduct of the War, he gave his hearty consent and co-operation to every measure proposed for a vigorous prosecution of the war. When appointed provisional Governor of Tennessee, he co-operated with the President and Congress in every measure to put down the rebellion. He accepted an invitation to address, and did address, a large body of the colored people of his own State, at Nashville, and told them he hoped a Moses would arise to lead them to freedom, and, if no other Moses arose, *he* would be their Moses. He repeatedly declared that he would be for giving the intelligent portion of the colored people the right to vote. He also repeatedly declared that he was willing to give suffrage to all colored men who had fought for the flag. You all remember his letter to Governor Sharkey, after he became President, in which he recommended that the State of Mississippi should amend her Constitution so as "to deny to all future Legislatures the power to legislate that there is property in man," and also that "the elective franchise be extended to all persons of color who can read the Constitution of the United States, in English, and write their names; and to all persons of color who own real estate valued at not less than two hundred and fifty dollars:" (a proposition which I repudiate, because it is manhood, not property, which should be the basis of suffrage.) I spoke from the same stand with Andrew Johnson, in

front of the Patent Office, after the fall of Richmond, and heard him say several times, in substance, that "if he were President, whenever he found a secessionist, or a traitor, he would arrest him, try him, and, if found guilty, by the Eternal he would hang him till he was dead, dead, dead." At the head of Courtney street, on Broadway, New York, some impudent fellow, at his reception, hung across the street a motto taken from one of the President's speeches, "show me the man who makes war upon the Government, who fires upon our forts, or upon our ships, and I will show you a traitor; and if I were President, I would arrest him, try him, and, if convicted, by the Eternal God, I would hang him." (Applause.) Why, even the most radical of us were, we supposed, right in overlooking the claims of that tried patriot, Hannibal Hamlin, (alas! unfortunate mistake) and claiming him as one of the most radical of our party. It is stated in Scripture, that the one most trusted by the Saviour, and who dipped with him in the same dish, thus giving grounds to infer, that when all others might betray him he would stand firmly by him, was the first to betray his Lord. And so now, the greatest traitor to the people, to the Union, to the party that elected him, to Truth, Justice, Honor and Principle, is the man who is ever saying, "Here I take my stand, and all the powers of hell shall not drive me from my position."

Is it not strange that, as he stood at the grave of Douglas, his knees did not smite together like Belshazzar's, as a voice came up from the tomb, saying, "There are but two parties, patriots and traitors." (Applause.) How dare he stand by the grave of Lincoln! Did not a voice come up from the tomb saying, "You have been faithless to your pledges; you have been untrue to your party, untrue

to the people, untrue to your country; true only to traitors, to Jeff. Davis, to Booth, and faithful only to the principles and purposes for which I was foully murdered." (Immense cheering.)

Fellow-citizens: The issue that is before us is plain, distinct, and well-defined. Congress has taken the position that they will never admit into fellowship the representatives of any State of this Union till they are satisfied that that State is purified of its treason, and is loyal to the Government. (Applause.) And they must have some indemnity for the past, or, at all events, a guarantee of security for the future. The President, on the other hand, says that, notwithstanding what these rebels have done, notwithstanding they violated their oaths when they swore as Senators and Representatives, and as civil and military officers under the Government, to support and maintain the Constitution of the United States, left their seats in Congress, and their posts in the army of the United States, from which they had received their education at public expense; notwithstanding they organized and supported independent Governments, established separate Constitutions, and adopted their own laws, and attempted to subvert the Constitution and Government of the United States, and to establish upon its ruins a government of a different theory, whose corner-stone was human slavery; notwithstanding they have shrouded the land in mourning; notwithstanding 500,000 graves have been made by their acts, Andrew Johnson demands that we shall receive these men as Representatives from those States before they have, as we maintain, given us any evidence of repentance. (Cries of "No, no, never.") This is the issue between Congress and the President. It is a vital and mighty issue, and upon its

resolution depends the existence and perpetuity of this Government in all time to come.

The President is making his "circle around the country, fighting treason at this end of the line;" and his argument is that the States have never been out of the Union, and because they have never been out of the Union, therefore they are entitled to representation. Now, sir, as Mr. Lincoln well said, the question whether they are in or out of the Union, is "a most pernicious abstraction." It is sufficient to know that whether in or out of the Union, they have stood in a hostile attitude to the Government. I am willing to agree with the President, that they have never been out of the Union; that's what we were fighting about, and we whipped them, and made them stay in; the territory remains, the people remain, and the territory, people and States are subject to the Constitutional authority of the Federal Government in spite of their treason. But, are they any the less traitors and criminals because they could not take their States out of the Union? Does not treason, in the language of the Constitution, consist in "levying war against the United States?" And have they not levied war against the United States? Did they not prosecute that war with a bravery and desperation worthy of a better cause, for four long years, and with a ferocious cruelty to prisoners of war, citizens of the United States, unparalleled in the annals of savage warfare? Did they not, by attempting to overthrow the Government, and by their bold and bloody treason, forfeit every right to life, liberty and property, and every right to representation, as fully as if the States were out of the Union? If so, why does Andrew Johnson go vociferating about the country his senseless gabble, that the States are not

out of the Union? Did he not treat them as being in full fellowship in the Union, and not as exercising their full functions as States in the Union, when he appointed military or provisional governors, and when he stated to them that they should adopt the Constitutional amendment abolishing slavery? He cannot pretend that they were in the Union as Illinois or New York is in the Union, because he would not dare to appoint provisional governors for them.

Why did he refuse to sanction the terms of surrender agreed upon by Sherman with Johnston? You remember those terms. Gen. Sherman, anxious to prevent the farther effusion of blood, agreed, if Johnston would surrender his armies, they were to be restored to all their rights, civil and political, such as they had before the war. Now this is precisely what Andrew Johnson and his Philadelphia Convention of August 14th say these rebel States should have, namely, all their political and civil rights, including the right to representation, as they enjoyed them before the war. Yet, sir, Andrew Johnson issued his order countermanding this settlement on the part of Sherman, and why? Because the loyal people of the North, and Andrew Johnson himself, condemned these terms upon the ground that the war would have been in vain, the blood and treasure of the nation would have been expended in vain, if the rebels were to be restored to all their rights as before the war, without any indemnity for the past, or security for the future. But, now, sir, Andrew Johnson proposes to go back and adopt the very terms of that surrender, and confer upon the rebels every right they had before the war, inflicting no punishment for their Heaven-daring crimes, and requiring no guaranties for their future good

behavior and faithful allegiance to the Constitution and laws.

I know it is asked, "When a loyal representative presents himself in Congress, why not receive him?"—That is stating the question in the strongest terms for the other side. The answer is this: Our Government is based upon constituency. It is not the right of representatives in Congress; it is the right of constituencies which is to be recognized. Suppose a loyal constituency to send a disloyal representative to Congress, would you accept him? (No, no.) You say no, because he misrepresents his constituency. Now suppose a disloyal constituency send a loyal member, upon the same reasoning you must refuse to receive him because he does not truly represent his constituents. The principle is this: the constituents must be correctly represented, and you will see that a disloyal constituency may send a loyal member to Congress for the purpose of securing a principle or precedent of admission, and he can immediately resign, and they can send a disloyal man in his place.

The proposition of Congress, as contained in the proposed constitutional amendment, is one of the most magnanimous ever submitted by conquerors to a vanquished foe. It is simply that these States shall be received upon the adoption of an amendment, which is now proposed for ratification by the States. It is not a proposition to keep out any loyal State. Tennessee has been received. She has complied with the requirements of Congress, and by the admission of Tennessee we have shown, on our part, a disposition whenever a State approximates to loyalty, to extend the hand of fellowship and receive her into the Union. (Applause.) All that we require is, that we have a fair and explicit understanding on this

subject. The amendment provides that the rebel debt shall never be paid. Is not that correct doctrine? (Voices, "yes.") Well, if so, put it in the bond, in the Constitution. They have violated their oaths. Shall we now take simply their word? (Cries of no.) They have an interest in the payment of the rebel debt. Shall we not have it irrevocably in the Constitution that it is not to be paid? (Yes, yes.) The amendment provides further that the national debt shall never be repudiated. Is not that right? (Yes.) If so, why not put it in the bond? in the Constitution of the United States, and make it forever irrevocable? It also provides that rebels who have taken an oath to support the Constitution of the United States, and have afterwards joined the rebel army, and attempted to overthrow the Government and trample under foot our flag shall never hold office under the Government of the United States. (Cheers and applause.) Well, if this is right, let us put it in the Constitution. Follow the wise example of our fathers. At the end of the Revolutionary war every State of the Union except South Carolina, while it extended amnesty to the Tories, and gave them their lives and property, provided that the Tories should never hold office under the government. (Applause.) South Carolina did not make this provision, and she has not had a Republican form of government to this day. Even her Governor is elected by the Legislature, and not by the people. If it is right that these rebel leaders should not come back to hold the offices of the Government which they fought to destroy, put it in the Constitution.

The amendment also provides for the equalization of representation between the States, by basing it upon actual voters. Under the Constitution, as it stood before the amendment abolish

ing slavery, you will remember that representation was counted to each State upon the basis of free persons and three-fifths of its slaves. In the United States there were, according to the census of 1860, 3,350,500 slaves.—Three-fifths of those slaves gave to the slave States eighteen representatives. Now, by the former amendment, which abolished slavery, the two-fifths which were not represented have become free, and are entitled to representation, which gives the Southern States 12 additional representatives. So that the Southern States have 30 representatives in Congress for their blacks alone. In other words, the white people of the South would vote for their blacks thirty votes in the electoral college, and also in Congress, and thus the representatives of blacks in those States being thirty in number, would equal in power in the National Legislature, the entire States of Ohio and Indiana. And yet the opponents of the amendment say that they are for a *white man's government*, while they contend for a representation of 30 votes in Congress for blacks alone. [Laughter and applause.]

Now, fellow-citizens, if those white people had all been loyal down there, you would not be willing to have that sort of representation come in competition with yours, would you? [A voice, "No."] On the other hand, they have been traitors to the Government; and are you willing now, that they should have a representation for their blacks in addition to their equal share with yourselves, equal to those great states, Ohio and Indiana? [Loud cries, "No, no."] This amendment proposes that every free white person in the South shall have a representation equal to that of a white person in the North; and if they intend to have a further representation they shall not vote for the negroes, but shall let the negroes vote

for themselves. [Cheers and applause] Isn't this fair? [Voices, "Yes."] South Carolina has 200,000 white population, and 400,000 blacks. Shall 200,000 whites in South Carolina cast as many votes, and have as much influence in the Government as 600,000 free white citizens of Illinois? [A voice, "No, never."] Shall a white traitor in the South exercise a power equal to three loyal white people in the North? [Voices, "No, no."] That is a plain proposition.

I confess to you, fellow-citizens, that I should have gone further than Congress did. I am for standing by my friends, and not by my enemies; and if we allowed a traitor to vote who had raised his arm to pull down the flag, I would have said, allow, also, those 200,000 black soldiers to vote who bore the flag aloft in the face of Jeff. Davis and his rebel hordes. I would allow the right to my friends as well as to my enemies. [Loud applause.] I will take no back track in this matter; but while this is true, I yield to the amendment. It was the best thing I could do, and I am in favor of it. It will finally work out the same results; for I am here to say to you, fellow-citizens, that none will be able to stay this consummation, the right of every one to the enjoyment of civil and religious liberty. I am for the Englishman, the American, the German, the African; and I am especially for the Irishman at this time, when he is standing up for his rights. [Cheers.] I hope to see the happy day come, when Ireland shall, in the pride of her power, glory in an independent and separate nationality, and we shall send to the Republic of the Emerald Isle, a duly accredited minister of the United States. [Applause.] I have no particular affection for the English Government just now. I remember the Trent surrender, and the attack

of the Alabama on the Kearsarge; and if the time shall ever come, that a fight shall be between England and Ireland, I am in favor of returning to England her own interpretation of international neutrality, by sending our Kearsarges after her Alabamas. [Immense applause.] I am for liberty everywhere. I am for the Monroe doctrine, and against Maximillian and all tyrants the world over.— [Cheers.] The party to which I belong is the only party which can carry out this grand reform of human progress, and establish liberty on every foot of American soil. [Cheers.] These are the principles upon which I stand. They are living, inextinguishable, and immortal, and the gates of death and hell shall not prevail against them. [Loud cheering.]

But, fellow-citizens, I have said this amendment is magnanimous.— There is nothing *radical* in it. It is so fair, that neither traitors or copperheads can object to it. It is simply that their white people in the South, in proportion to their numbers, shall have as many votes as our white people in the North; and if negroes are to vote, *they* are to confer upon them that right, and not *we*.— (voices "That's right.") So that when a copperhead says we are contending for universal suffrage, I say that the amendment does not impose universal suffrage; nor even impartial suffrage—nothing that goes so far as President Johnson did in his letter to Gov. Sharkey recommending "suffrage to such colored persons as could read and write, or who owned property to the amount of \$250." It confers the right on each State to say who shall vote, but they shall not have representatives for their colored people till they give them the right to vote. Is it unreasonable or vindictive to demand of rebel States which have attempted to overthrow the Govern-

ment, that in restoring them to the family whose happiness they have tried to destroy, they shall not have greater power in proportion to numbers, than the States which through evil and through good report, have been true and faithful to the Constitution, Union, and happiness of the whole? Shall we, instead of awarding the rebels the just punishment due for their enormous offenses, reward them for their treason, by giving them a larger representation, and more power than they had before the rebellion commenced? (No, no.)

Now, fellow-citizens, I ask you, if as your representative, I ought to cast my vote for the admission of representatives from these rebellious States, till they give some evidence of loyalty? (Cries of no, no.) They say they surrendered in good faith. They surrendered because they were whipped. (Laughter.) Every thief that goes to the penitentiary surrenders in good faith; but the question is "has the thief become an honest man." The question is, "has the traitor become loyal to the Government?" When they come as the prodigal came, saying to the nation "we have sinned against Heaven and in thy sight, and are no more worthy to be called thy sons; make us as one of thy hired servants;" when they have become tired of eating husks and penitently say "we will go to the house of our father, where there is bread enough, and to spare;" I shall be ready to run and meet them, and to put the best robes upon them, to put rings upon their fingers, to kill fatted calves for them, and to make merry over these sons "who were lost and are now found again." But is this the kind of penitence they now bring to the loyal millions who have subdued them. Alexander Stephens says "no, we must not be humiliated." "We must come under the

Constitution of the United States." We ask Mr. Stephens, "have you changed your opinions any?" "Are you sorry for what you have done." "We are sorry we are whipped." "Are you not as much secessionists as you ever were?" "Yes; but still we are willing to accept the situation and to take part with you in running the Government." They don't propose to come and stay on the outside, but to rule the Government which they tried to destroy. They propose to fight us with the bayonet as long as they please, and then to vote us down with the ballot. Why are they out? Who expelled them? Didn't they go out of their own accord? Haven't they been swearing and fighting to stay out for five years? and now they swear just as defiantly that they will come in. (Applause and laughter.) Some have been striving to go out for thirty years, and now expect to come back in thirty days.

Fellow-citizens, we want some assurance that this government is not again to be put in peril. Why, sirs, I as Governor raised 250,000 volunteers, and sent them to the battle-field to triumph or die. They left their homes and went forth to battle; slept in the swamps, climbed the mountain heights, and trudged through mud, and rain, and snow. They carried our flag in triumph. (Applause.) Thousands returned saying "I lost this arm as I scaled the heights of Donelson." "I lost this leg at the battle of Chickamauga." "I lost this eye in the thickets of the Wilderness." And thousands and hundreds of thousands sleep their last sleep on the banks of the Mississippi, the Tennessee and the Cumberland, on the heights of Lookout Mountain, and in the sands of the ocean shore. And, now, am I their representative in Congress, by my

vote, to give over the Government to the men whose hands are stained with the blood of my brave boys and write upon the hillocks which cover the bones of the noble dead. "Died in vain?" (Never, and loud applause.) Those who opposed the war may, but do not expect me as your Senator, to surrender this Government to rebels. (Renewed applause.) We fought to overcome secession, and yet you propose to allow these secessionists to come with hypocritical smiles upon their faces and bowie-knives in their sleeves to take possession of this Government again.

I was at the Philadelphia Convention on the 14th day of August last. I was at that harmonious Convention of the Johnson-copperhead-rebel party [cheers]; and although I was not inside, I was in the audience where I could see what was transpiring.—What was that Convention composed of? Men defeated at the polls, and men defeated on the field of battle. It was composed of copperheads in the North; demagogues, and men who were opposed to the war, and voted it a failure; who resisted the draft; who chuckled when they heard of our defeat in any of the battles fought; and when they heard the news of our victories said the telegraph lied; who didn't fight themselves, and persuaded others from fighting. Then, next, were the traitors from the South, from whose hands the stains of Union blood was not yet washed. There were, however, a few office seekers of the "bread-and-butter brigade." [Voices, "Ketcham."] I haven't made any personal allusions. [Laughter.] The peace Democrats there said they did not see any difference between themselves and Southern rebels, and I confess I did not. [Laughter.] I care not what your professions are, whenever you join hands with bloody reb-

els in convention you become *one of them*. You say there was great harmony. "Extremes meet," said Ben. Butler's dog, when in pursuit of his tail, but after all it was the different ends of the same dog sticking together. [Renewed laughter.] It *was* a most harmonious convention, because they allowed no debate. They referred their resolutions without debate, to a committee, to say whether they were right or not.

You know it is a part of natural history that almost all races and tribes and families disagree. Society has its disagreements. The beasts of the field, and the songsters of the trees and meadows, have their quarrels; but natural history says there is one tribe in which there is entire harmony; that is the snake tribe. (Shouts of laughter.) The rattlesnake is the emblem of South Carolina; and I was not surprised when I saw the magnanimous rattlesnake of South Carolina enter the Johnson wigwam arm in arm with the treacherous copperhead of Massachusetts. (Laughter.)

Fellow citizens, I was at another convention in Philadelphia. One hundred and fifty thousand people assembled on Broad street on that occasion. There were the true loyal men of the South. There was no stain of their brother's blood on their hands. There was no guilt of perjury on their souls. There was no crime of treason rankling in their bosoms with malignant hate, because they could not have control of the nation. They have endured persecutions at the South and were exiled for their love of the Union. I tell you, my friends, that was one of the grandest sights mortal eyes ever beheld—the largest multitude of people ever assembled in Independence City. One hundred and fifty thousand people surrounding eleven stands; the long procession of the "Boys in Blue," and the "Invinci-

bles," with their torches and transparencies, and blazing rockets, and mottoes. It was like a prairie fire in the olden time before the settlements, when the grass was tall and dry in autumn, when the smoke heavenward towered, and sheets of flame went crackling, leaping, dashing, roaring and surging across the plain, like the billows of an ocean all on fire. (Applause.) Aye, sir, at such times, wolves and copperheads run for their holes. (Laughter.)

But, fellow citizens, you ask me how long I would keep these traitors out of the Government? Well, I am in no particular hurry about it. (Laughter.) I didn't send them out. They went out of their own accord from the best and most benignant Government on earth, and without the slightest provocation, and with a most wicked and devilish spirit. I am for their coming back when we want them to come, and not at a time of their choosing. (Cheers.) Who is to decide this question, the loyal millions or the rebels and traitors? Who is to decide it, the loyal millions through their representatives in Congress, the body to whom the Constitution has assigned that duty, or the President, who has gone over to Jeff. Davis and the copperheads?

It is proposed that Stephens and such other rebels as may be elected to Congress, shall take their seats and shall decide whether the Government shall pay the rebel debt, or whether compensation shall be made for slaves, &c. They are to be jurors and judges to sit upon their own trials. Well, sir, if a burglar could be one of the jury that tried him, I guess he would be acquitted, or there would be a hung jury. (Laughter.) I am for their coming in when they are fit to come. God knows I would like to see the Union restored, with all its stars and stripes, and I will hold out

the hand of fellowship to every State where I believe there is a true and safe loyalty; but I want a permanent Union, and as Mr. Lincoln said, I want "peace to come and to stay."

Now, my fellow-citizens, am I not right in this? (Yes.) Let me ask you in all candor, are they *fit* to come in? Answer one question, and that decides the whole matter. Do you suppose that any of you can go down South and express your sentiments freely, in safety? No; and yet the Constitution of the United States guarantees to the "citizens of each State all the privileges and immunities of citizens in the several States." I have seen hundreds of the loyal Southern men, at the Convention in Philadelphia, who tell me there is no safety for life or property in those States, either for colored men or for loyal white men.

Will you take these men back in sight of the flames of Memphis?—in sight of the bloody murders of New Orleans? If I had time I could demonstrate that the New Orleans Convention was a lawful body and lawfully assembled; but whether lawful or unlawful, the facts go to indicate and prove that the assault upon it was a deliberate conspiracy to murder the members of that Convention. Phil. Sheridan, on the 24 day of August, telegraphed to General Grant (which telegraph was suppressed by the President,) as follows:

"It was no riot; it was an absolute massacre by the police, which was not exceeded in barbarous cruelty by that of Fort Pillow. It was a murder which the mayor and police of this city perpetrated without a shadow of necessity. Furthermore, I believe it was premeditated and pre-arranged."

He had, on the first of August, telegraphed that the mayor had "in his absence suppressed the Convention by

the use of his police force, and in so doing attacked the members of the Convention, and a party of two hundred negroes, with fire-arms, clubs, and knives, in a manner so unnecessary and atrocious as to compel me to say it was murder." This part of the dispatch was also suppressed by the President: and, I ask you, for what motive, except to conceal from the people the evidence of his own malefeasance in not preventing the riot as he was requested to do. I will not pursue details of that horrible tragedy.

While a minister of devoted piety and high standing was offering up a prayer to God, this vile mob of traitors under Mayor Monroe, whom Mr. Johnson had pardoned to take that office—made the murderous attack upon the Convention. The minister, who was a brave as well as a good man, said "he would go and appeal to the mob—they would not hurt him." He took a small American flag, tied a white handkerchief around it, went out into the crowd, and they pounded him to pieces. They should be received into this nation, should they? And these murders are justified by Andrew Johnson in his speech at St. Louis. "Oh shame, where is thy blush?"

How long will I keep them out? Till every American citizen can travel to every village and hamlet in these States and speak his sentiments freely and be protected in his property and enjoy his Constitutional rights: till there are no skeletons of loyal men hung to the trees by the highways; till the flag of our country is no longer insulted, and till they do away with these grievances; I will keep them out till Gabriel's last trump shall sound. (Cries of good, good, and applause so loud that the remainder of the sentence could not be heard.) I don't wish to make threats, and I will not be threatened.

I will not threaten Andrew Johnson, and he shall not threaten me. When he says he can be Dictator it is a threat to the people.

When Seward says, "Will you have Andrew Johnson for President or king?" I tell you that it makes the blood of every American citizen leap through the arteries of his frame that any man dares to suggest such an idea. (Applause.) O tempora, O mores! Are not the times sadly out of joint when large numbers of the leaders of the Johnson rebel party are looking to the overthrow of congress and the regularly constituted authorities of the Government, and to the establishment of usurped authority in their places?

Passing over the threats of Garret Davis and the Southern press, and a portion of the Northern copperhead press, is it not time, I ask, to have the sentinels of liberty on the watch tower, when Montgomery Blair, the dismissed Postmaster General of Mr. Lincoln, and now the highest accredited minister of Andrew Johnson in preaching "my policy", is day by day with Satanic coolness threatening the people with two Congresses?

The plan seems to be to elect twenty-five copperhead representatives in districts now represented by loyal men, and these, added to the copperhead representatives now in Congress and to the delegation from the rebel States, will constitute a majority, and they will apply to the President for recognition, which he will grant.

The loyal representatives will then impeach the President, and we will have civil war. They are thus by threats like these attempting to intimidate the people, and induce them to surrender their rights. Fellow citizens, not only as a citizen but as a Senator, I defy them; (loud cheers,) and I will say to Montgomery Blair and Andrew Johnson, that so far as

Illinois is concerned, she raised 250,000 troops before; but when another attempt is made to overthrow the Government, 500,000 swords will leap from their scabbards to put it down. (Great applause.) The rebels of the South will again reckon without their host. The Northern copperheads, whatever may be their personal courage, will not expose themselves in battle in such a cause. No, sir, they dare not raise their hands against the flag. Why did they not join Morgan and Lee in their Northern raids? Let all conspirators against the liberties of this country take due and timely notice, that the loyal millions will meet them at Phillippi. You shall not tear the temple of liberty down. (Immense applause.)

Fellow citizens, I did not intend to occupy your time so long, (voices, "go on, go on,") but I wish to warn you that *there is real danger*. Not that we will not finally triumph and save this Government—for we will—but there is real danger of civil war.—There is no question in my mind, nor in the minds of distinguished Senators with whom I have conversed, that the conspiracy to which I have referred is widely brewing, and that the Catalines are not few in numbers. Andrew Johnson is soured and stands precisely in the same attitude to the American people in which Jeff. Davis stood before the war.—There is no particle of difference whatever, except that Jeff. Davis was truer to his professions; he was an educated secessionist, and had the plausible excuse that he was fighting for his State; but Johnson has broken his word, betrayed his friends and joined the enemies of his country. He intends to have power. He is a weak

man of fierce passions, and one upon whom demagogues can play and are playing. He is not surrounded by the patriots of the country, but by copperheads, secessionists and rebels, and is ready to recognize an unlawfully constituted Congress, which is an usurpation, and will necessarily bring civil war.

Now you see that our only plan is by an overwhelming demonstration at the polls to show that any attempt at usurpation, by rebels, copperheads and Andrew Johnson will be futile? Thank God, we know what that demonstration will be. We have already heard a glorious shout from Maine, which has rolled up a loyal majority of 23,000. [Cheers and prolonged applause.] There is no doubt in my mind that Pennsylvania will give 40,000 majority, and we shall carry every northern State. Instead of their gaining twenty-five representatives, they will not gain one. I believe we shall carry every doubtful State, district and county in the nation, and I hail the day when old Morgan shall come out with her banner to the sun in favor of liberty and the Union.—[Great applause.] There is no question about it if you will do your duty.

I have spoken longer than I intended, ("go on, go on,") but in closing I must refer again to this grand reception, and thank you for it—and wherever I may go, my eyes shall turn back to this scene, as one of the greenest spots in the waste of memory, and I shall have the pleasing consciousness that however others may feel towards me, I have the respect and confidence of my neighbors, and a happy home among my fellow-citizens of Morgan county. [Loud applause.]

THE TEMPERANCE MOVEMENT.

ADDRESS

OF

SENATOR YATES, OF ILLINOIS,

BEFORE THE CONGRESSIONAL TEMPERANCE ASSOCIATION, ON SUNDAY

EVENING, FEBRUARY 17, 1867, IN THE HOUSE OF REPRESENTATIVES, WASHINGTON, D. C.

In introducing the speaker, Hon. Henry Wilson, president of the association, said :

We have passed through a great war, in which we fought six hundred battles for the Republic. In that great contest Illinois played a glorious part. The Governor of that State linked his name forever with that grand struggle for unity and liberty. I have the honor and the pleasure to present Governor Yates to this assemblage. [Applause.] God grant that in the great struggle in which we are now engaged against the enemy of human nature he may associate his name as gloriously as he did in the war against the enemy of his country. [Applause.]

ADDRESS OF SENATOR YATES.

LADIES AND GENTLEMAN: It was not my intention to address you at all until this afternoon, and I feel the need of more preparation before speaking to so large an audience as this. The reason why I did not propose to address this assembly was because having so recently associated myself with the Congressional Temperance Association, I did not like to make a parade of myself before the public. Men sometimes sign pledges, and they break them; but, Mr. President, I have signed for good, [applause,] and I have made my covenant with God that I will keep mine. But I felt it were better to prove first that I was well established in my new position before I attempted to express sentiments on this question in that earnest and enthusiastic manner in which I always address my fellow citizens in behalf of any cause which has the conviction of my judgment and the approval of my heart.

Some two months ago your distinguished chairman, the able and eloquent Senator from Massachusetts, in his kindness, in the goodness of his great big heart, came to me with a petition numerously signed by members of Congress, and said: "Governor, I want you to sign a call for a temperance

meeting." "With all my heart," said I. I signed it. But the temperance meeting did not come off. I became impatient. I went to the honorable Senator, and told him I was tired of waiting; could he not furnish me a pledge? He said he could to-morrow. The next day he furnished me with a printed pledge of the Congressional Temperance Society. I put it in my pocket, took it home, took it to my room, read it carefully, and, after one look to God and one to home, I signed the pledge. I raised myself to my full height, and I was FREE. [Great applause.] If I refer to myself in the remarks I have made, and which I intend to make, I assure you it is not from egotism, for I take no peculiar pride myself in having been addicted to the use of ardent spirits. But there is another reason why I feel permitted to refer to myself, and that is, because while I have considered that I was only a moderate drinker, it has been published all over the land that I was a drunkard.

Fellow-citizens, there was some truth in this, and there was a vast deal of error in it too. I was addicted to drinking occasionally as a stimulus, as I supposed to strengthen my nerves—[laughter]—and as a heightener of social joys. But, Mr. Chairman, differently from other men, I had a most unfortunate difficulty with myself, and that was, I had a wonderful facility, whenever I drank, of letting everybody know it. [Laughter.] My sprees were not frequent, but they were long and they were loud. [Laughter.] The grand prairies of Illinois did not furnish area enough for one of my forward movements. [Laughter.] That was not only the case, but whatever I have done for the last seventeen years—whether I had to make a speech to a political meeting; whether I spoke against the Nebraska bill upon the floor of this House; whether as Governor, I wrote a message, or published a proclamation, or prorogued a secession legislature—[great applause]—the universal charge of the opposite party was, that all these acts were done under the influence of whiskey. [Laughter.] Now, fellow-citizens, I have concluded to put a stop to this matter. The editors and reporters of newspapers are an honorable class of gentlemen whom I respect; but I want those libellous scribblers who have made so many misrepresentations as to my course of conduct, to understand that from this time henceforward their vocation in that respect is gone—[laughter and applause]—and they may now publish their libels until the hand that writes them shall fall withered and palsied; but I never intend that they shall have any license or authority to publish me as a drunkard again, even if I have to abstain, as I will abstain, from the mildest glass of claret that ever the fair hand of the fairest lady in this land should present me. [Applause.]

There is the evil of the thing: this misrepresentation, this liability to misrepresentation. Why, sir, after I had made these speeches some sharp article of abuse would be published in some paper, and some "Friendly Indian" of mine—[laughter]—would mark around it with black lines and send it to me for my Christian contemplation and supreme delight.

[Laughter.] I will stop it. I have promised God; I have promised my country; I have promised that proud Commonwealth which for twenty-five consecutive years has honored me with all her public positions, in the Legislature, as Governor, as member of both houses of Congress; I have promised all who love me, and I have promised Katie and the children—[loud applause]—that I will never touch, taste, nor handle the unclean thing—[applause]—and by the blessing of God and my own unfaltering purpose, I intend to fight it out on this line to the last day in the evening of my life. [Applause.] If all you, gentlemen, would do the same thing, you would lose nothing in mind, body, or estate. [Laughter.]

Fellow-citizens: It may seem strange, but I would, as I feel now, as soon drink fire from hell itself as whiskey, for it is hell and damnation too. It destroys the health, and mars the beauty of the body; it can bow down to earth the most giant intellect, and make it weak as that of a child: it demoralizes and it annihilates the immortal soul. It makes a man forget his children or the wife of his bosom, and treat them with harsh unkindness and barbarity, and even murder them. Unaffected by intemperance he would peril his life for that wife of his love; he would dive into the ocean's depths, face the cannon's mouth, or peril his life amid the flames of the burning dwelling to snatch from death his darling babe.

I do not suppose at all that I am superior to anybody else in intellect. I certainly have no special claims to consideration from birth or fortune; but there is one thing I do claim, and that is, that God has endowed me with nobility of soul, with warm and generous impulses—a heart as unfathomable in its affections as the ocean, and as broad as the area of humanity, and I appeal to you, Mr. Chairman, from our slight acquaintance, if you do not think I have enough of the *ardent* about me without *ardent spirils*. [Laughter.]

Mr. Wilson. Yes; you have.

Mr. Yates. I would say to the young man that grandeur of human character does not consist in transcendent genius alone. It does not belong alone to the statesman beneath whose eloquence listening Senates sit enraptured; it does not belong alone to the warrior who bears his proud, unconquered banner over every field; but it does consist in force of character, in force of soul, feeling, thought, and purpose. Cæsar was a weak man when he sacrificed the liberties of Rome by suffering Marc Antony to put the crown upon his head. Washington would not have been great if he had yielded to the temptations of his willing army, and accepted a crown at the expense of the liberties of his country. The reformed drunkard accomplishes a more heroic achievement than did the Spartan band at Thermopylæ, because he conquers himself. That man is only great who seeks right and truth and justice, and adheres to them with strong, vigorous, and perpetual purpose.

As to the effects upon the nation, Mr. Jefferson said, many years ago, that—

“The habit of using alcoholic liquors by men in office has created more injury to the public service, and given more trouble to me, than any other circumstance which has occurred in the internal concerns of the country during my administration. If I had to commence my administration again with the knowledge I have from experience derived, the first question which I would ask from a candidate for public favor would be, is he addicted to the use of ardent spirits.”

The man who is to legislate for a great country, to help make laws and constitutions involving the destinies of millions of human beings, ought to be a man of reflection, moral principle, integrity, and, above all, a sober man. [Applause] Go into your legislative hall, State and national, and behold the drunkard staggering to his seat, or sleeping at his post, and ask yourself the question whether he is not more fit to be called a monument of his country's shame than the representative of freemen. Would it not be most fearful to contemplate that ill-fated epoch in the history of our country when the demon of intemperance shall come into our legislative halls without shame, remorse, or rebuke; when he shall sit upon juries, upon the bench, and drunkenness run riot among the people? Who then will protect the ship of State upon this maddening tide; who will steer her in her onward course amid the dashing billows; who spread the starry flag to the free, fresh, wild winds of heaven?

Watchman, what of the night? We have been engaged in a mighty revolution. Your army and navy have carried your arms under Grant and Banks against the Gibraltars of the Mississippi, and opened that stream from its source to its mouth. Under the gallant Joe Hooker your troops scaled the heights, and above the clouds unfurled to the sun the glorious flag of the stars. [Applause.] Sherman marches from Cairo to the sea, while Grant marches through the Wilderness to the Confederate capital. The rebellion is crushed. Behold! a whole race set free—the shackles of the ages broken, and we see full high advanced the standard of the nation's redemption. Hark! dinna you hear the pibroch of the Highlanders, and borne upon the wings of the wind the slogan shout of universal emancipation? [Applause.]

And now shall this puissant nation, “Columbia, queen of the world and child of the skies,” pause in her efforts when there is an enemy in our land more destructive than war, pestilence and famine combined, which sends annually one hundred thousand men to untimely graves, makes fifty thousand widows, and three hundred thousand wives worse than widows—filling our prisons, our poor-houses, our lunatic asylums, and swelling to an untold extent the great ocean of human misery, wretchedness, and woe?

Somebody told me he saw in a Chicago paper the other day that since Governor Yates had joined the temperance society, whiskey had fallen ten

cents a gallon. [Laughter.] Well, that's good, indeed. [Laughter.] At all events, it's *good news*, for all that ever kept my slanderers from drinking themselves to death *pro bono publico* was the high price of whiskey. [Laughter.] We will bring it within their reach, for it will have to fall much lower than the present price before it reaches its real intrinsic value—a specie basis. [Laughter.] Mr President, if old King Alcohol were dead and buried, as he ought to be, beyond the power of resurrection, this nation could bear our national debt like a young Hercules. [Applause.] Then, sir, two blades of grass would grow where one now grows, and unbounded wealth, Imperial power, and proud position would be the heritage of the nation forever. [Applause.]

But some say this temperance business is fanaticism—it's a gloomy sort of life. There never was a greater mistake. Temperance is one of the sweetest and most delightful things upon earth: it is the very spring-head of cheerfulness, happiness, and joy—the very chivalry of manhood itself. I have been a temperance man for fifteen days, and I am a gayer boy to-night than I have been for seventeen years. [Laughter.] I think I am the gayest man in the Senate, except the compeer of Clay and Crittenden—the able, indomitable, and gallant old cavalier of Kentucky, (Garret Davis.) I except you also, Mr. Chairman. [Laughter.] Temperance gloomy? Not a bit of it, Mr. President. My pledge shall be a perpetual charm—"a thing of beauty which is a joy forever"—not a cloud of gloom, but an ever-present rainbow of promise, hope, and beauty. I am as proud of it as of my wife and children, and that is the strongest way I have to express my pride. [Applause.] I am as proud of it as I am of the commission which entitles me to hold the position of an American Senator. By-the-bye, Mr. Chairman, I will submit to you the question: I rather think the commission and the temperance pledge ought to go together. [Applause.] What do you think about having "the teetotaller" put into the iron-clad oath. [Laughter.]

You say, of what use is the pledge? I will tell you: Twenty days ago there came along a friend of mine—a Senator—and said, "Let us take a drink." I said, "Certainly, all right." Another friend from Illinois in about three minutes and a half came along and said, "Let us take a drink." Said I, "All right." It is this way. One drink of liquor is enough for me; two ain't half enough, [laughter,] three is only one-third enough, and four is chaos. After I signed the pledge I was asked several times to drink; but I didn't do any such thing. [Laughter.]

After I signed this temperance pledge I wrote to a little lady out in Illinois, who weighs about a hundred pounds, has black hair and flashing black eyes, and "a form fairer than Grecian chisel ever woke from Parian marble," and I received the following answer:

"MY DEAR RICHARD: How beautiful is this morning! how bright the sun shines! how sweetly our birds sing! how joyous the children! how happy is my

heart ! I see the smile of God. He has answered the prayer. Always proud of your success, you have now achieved that success which God and angels will bless. It is the shining summit of human aspiration, for you have conquered yourself. All who love you will aid you to keep the pledge. I love you, my dear boy.

KATIE.

[Loud applause.]

Love, the sun, soul, and centre of the moral universe ; love, which links angel to angel, and God to man ; love, which binds in one two loving hearts.—How beautiful is love. [Applause.]

As I look over this audience, composed of Senators and Representatives of this great nation, and these galleries blazing with beauty and the worth of the city, and sojourners from all the States and Territories, I ask myself why they are here ? Proud England, upon whose dominions the sun never sets, has but one queen ; but, thank God, we have millions of queens, who

“Walk in beauty like the night
Of cloudless climes and starry skies,”

whose chains we feel, and yet we bless the silken sceptre. You are here to give, by your presence, encouragement to the Congressional Temperance Society ; and I propose, sir, that this society shall be the beginning of societies throughout the land, and that we will push forward the temperance column, move upon the enemy's works, and give him grape, canister and Greek fire. [Applause.] We will storm the citadel of intemperance, until it shall crumble and totter and fall to the earth. [Applause.] Why do I refer to the ladies ? Because their example is mightier than the eloquence of a thousand Senates or the banners of a thousand legions. [Applause.]

You are here to-night to see the snowy white flag of temperance as it is unfurled over the Capitol of your country, as it rises and rises, and unfolds to God and spreads until it shall cover the whole land, and until there shall not be a drunkard nor a moderate drinker to take away the bloom from the cheek of female beauty, and until all the hearthstones of this land shall blaze with comfort and joy, and happiness and gladness shall dwell in green freshness there. [Tremendous applause.]

[From an Editorial article in the Washington DAILY CHRONICLE,
February 18, 1877.]

THE CONGRESSIONAL TEMPERANCE MEETING.

The Congressional temperance movement in Washington promises to lead to the most gratifying results.

The movement for a State temperance convention, to be held at Harrisburg, Pennsylvania, on the 26th instant, headed by the Governor, Secretary of State, and Speaker of the Senate, is hailed with much satisfaction in this quarter. No such meeting has ever been held in the national capital as that which assembled last Sunday evening in the hall of the House of Representatives to organize a Congressional Temperance Society. It was one of the events of these eventful times. Thousands were turned away. Every available spot which gave even room to stand upon, in the galleries, upon the floor, and the very doorways, was occupied, while dense lines of anxious men and women extended back from every door along the corridors. The speeches were short, brilliant, and effective. That of Governor and now Senator Yates, of Illinois, was particularly touching. His bold and determined stand against intemperance, his avowal that henceforth he never would touch a drop of liquor of any kind, and his frank statement of the effects of drinking upon himself and others, deeply moved the audience.

So general is the desire of the thousands who heard his remarks, and also of many who were unable to gain admission, to see the speech in print, that we produce it in our columns. The reader who was not present cannot fully appreciate the effect of the speech, so much did it depend upon the manner of delivery. The Speaker has a magnetic power over an audience which is rarely equalled. At first hesitatingly, as if struggling to master the emotions of his own soul, he began in tremulous tones, when suddenly some flash of

thought electrified the audience, and he is relieved by an outburst of applause. The occasion was grand, the scene inspiring, and the Senator, whose fine appearance and graceful figure, no less than his brilliant public services, justify the pride of his friends, proceeded in a clear, ringing voice, and with deliberate and distinct utterance through a speech of three quarters of an hour in length, scarcely a sentence of which was not applauded. Shouts of laughter and stifled sobs and tears of his auditors followed in continuous succession. The face upon which there were no smiles, no tears, was that of the speaker. He seemed moved by a calm, mighty energy, as he depicted the fearful havoc and degradation of intemperance.

A most beautiful and touching letter from his wife gave special interest to the speech, and profoundly moved the audience. As he closed he was presented with a basket of beautiful flowers, and left the platform amid long-continued applause.

The war upon this fearful evil promises to become fashionable in Washington, and Senator Wilson, of Massachusetts, president of the Congressional Temperance Society, labors steadily to bring men of all parties into his organization. In this good work he is gratefully assisted by their wives and families. Another meeting is to be held on Sunday evening next, at the same place, when a similar scene may be anticipated.

85-12

IMPEACHMENT OF THE PRESIDENT.

OPINION

OF

MR. YATES, OF ILLINOIS,

IN THE SENATE OF THE UNITED STATES.



OPINION.

It is difficult to estimate the importance of this trial. Not in respect merely to the exalted position of the accused, not alone in the fact that it is a trial before the highest tribunal known among us, the American Senate, upon charges preferred by the immediate representatives of the sovereignty of the nation, against the President of the United States, alleging the commission by him of high crimes and misdemeanors; it is not alone in these respects that the trial rises in dignity and importance, but because it presents great and momentous issues, involving the powers, limitations and duties of the various departments of the government, affecting the very form and structure of the government, and the mightiest interests of the people, now and in the future.

It has been aptly termed the trial of the Constitution. Constructions of our Constitution and laws here given and precedents established by these proceedings will be quoted as standard authorities in all similar trials hereafter. We have here at issue, before this highest judicial tribunal, in the presence of the American people, and of the civilized world, whether our Constitution is to be a landmark to the citizen, a guide to the statesman, and authoritative over the magistrate, or whether this is a land of anarchy, crime and lawless usurpation. It is a trial which challenges the broadest comprehension of the statesman, the highest intellect and clearest discrimination of the jurist, and the deepest solicitude of the patriot. Its issues are to be determined by clearly ascertaining the duties and powers of the co-ordinate branches of the government, all jealous of encroachments upon their functions, and all in danger if one shall usurp powers which by virtue of the Constitution and laws belongs to others.

Although it seems to me that no man of honest judgment and true heart can have a possible doubt as to the guilt of the respondent in this cause, and although he has long since been indicted and found guilty in the judgment and conscience of the American people of a giant apostacy to his party—the party of American nationality and progress—and of a long series of atrocious wrongs and most daring and flagrant usurpations of power, and for three years has thrown himself across the path of the country to peace and a restored Union, and in all his official acts has stood forth without disguise, a bold, bad man, the aider and abettor of treason, and an enemy of his country; though this is the unanimous verdict of the loyal popular heart of the country, yet I shall strive to confine myself, in the main, to a consideration of the issues presented in the first three articles. Those issues are simply: whether in the removal of Edwin M. Stanton, Secretary of War, and the appointment of Lorenzo Thomas Secretary of War *ad interim*, on the 21st day of February, 1868, the President wilfully violated the Constitution of the United States, and the law entitled “An act regulating the tenure of certain civil offices,” in force March 2, 1867.

Upon the subject of appointments to civil office the Constitution is very explicit. The proposition may be definitely stated that the President cannot, during the session of the Senate, appoint any person to office without the advice and consent of the Senate, except *inferior* officers, the appointment of whom may, by law, be vested in the President. The following is the plain letter and provision of the Constitution defining the President's power of appointment to office:

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the senators present concur; and he shall nominate, and *by and with the advice and consent of the Senate shall appoint*, ambassadors, other public ministers and consuls, judges of the Supreme Court, and *all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but*

the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

Is it not plain, very plain, from the first clause above set forth, that the appointment of a superior officer, such as a Secretary of War, or the head of any department cannot be made during the session of the Senate without its advice and consent? It is too clear for argument that the Constitution does not confer the prerogative of appointment of *any* officer upon the President alone during sessions of the Senate, and that he can only appoint *inferior* officers even, by virtue of laws passed by Congress, so that the appointment of a head of a department cannot be made without the concurrence of the Senate, unless it can be shown that such appointment is, in the words of the Constitution, "otherwise provided for;" and it is not pretended that any such other provision can be shown.

The framers of the Constitution wisely imposed this check upon the President to secure integrity, ability, and efficiency in public officers, and to prevent the appointment of men who, if appointed by the President alone, might be his mere instruments to minister to the purposes of his ambition.

I maintain that *Congress itself* cannot pass a law authorizing the appointment of any officer, excepting inferior officers, without the advice and consent of the Senate, it being *in session* at the time of such appointment. It is just as competent for Congress, under the clause which I have read, to invest the President with the power to make a treaty without the concurrence of two-thirds of the Senate, which is, as all agree, inadmissible. Any law authorizing the class of appointments just mentioned, without the Senate's concurrence, would be just as much a violation of the constitutional provision which I have read, as would a law providing that the President should not *nominate* the officer to the Senate at all. No appointment is complete without the two acts, nomination by the President, and confirmation by the Senate.

I think my colleague, (Mr. Trumbull,) had not well considered when he made the statement in his argument, that "the Constitution makes no distinction between the power of the President to remove during the recess and the sessions of the Senate."

The clause of the Constitution which I shall now quote shows very clearly that the power of the President to fill vacancies is *limited to vacancies* happening during the *recess* of the Senate :

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

His power to fill vacancies during the recess, without the advice and consent of the Senate at the time, proceeds from the necessity of the case, because the public service would suffer unless the vacancy is filled; but even in this case the commission of the temporary incumbent is to expire at the end of the next session of the Senate, unless the Senate, during said next session, shall have consented to his appointment. The reason of this limitation upon the President to the filling of vacancies happening during the recess, and why he cannot appoint during the session of the Senate without consent, is clearly because the Senate being in session may at the time of the nomination give its advice and consent. The provision that "the President shall have power to fill all vacancies *during the recess* of the Senate by granting commissions which shall expire at the end of the next session," excludes the conclusion that he may create vacancies, and fill them during the session and without the concurrence of the Senate. If this view is not correct, it would seem that the whole provision of the Constitution on this point is meaningless and absurd.

The conclusion of the whole matter is, that if the President issued an order for the removal of Mr. Stanton and the appointment of Thomas, without the advice and consent of the Senate, it being then in session, then he acted in palpable violation of the plain letter of the Constitution, and is chargeable with a

high misdemeanor in office. The production of his own order removing Stanton, and of his letter of authority to Thomas, commanding him to take possession of the War Office, are all the proofs necessary to establish his guilt. And when it appears, as it does most conclusively in the evidence before us, that he not only did not have the concurrence of the Senate, but its absolute, unqualified dissent, and that he was notified of that dissent by a certified copy of a resolution to that effect, passed by the Senate, under all the forms of parliamentary deliberation, and that he still wilfully and defiantly persisted, and does still persist in the removal of Mr. Stanton, and to this day stubbornly retains Thomas as a member of his cabinet, then who shall say that he has not wickedly trampled the Constitution under his feet, and that he does not justly deserve the punishment due to his great offence?

That the facts stated are proved, and substantially admitted in the answer of the President to article first, will not be denied by the counsel for the respondent, nor by his apologists on the floor of the Senate.

The next question to which I invite attention is whether the President has intentionally violated the *law*, and thereby committed a misdemeanor. Blackstone defines a misdemeanor thus :

A crime or misdemeanor is an act committed or omitted in violation of a public law either forbidding or commanding it.

Misdemeanor in office, and misbehavior in office, or official misconduct, mean the same thing. Mr. Madison says in Elliott's Debates that :

The wanton removal of meritorious officers would subject him (the President) to impeachment and removal from his own high trust.

Chancellor Kent, than whom no man living or dead ever stood higher as an expounder of constitutional law, whose Commentaries are recognized in all courts as standard authority, and whose interpretations are themselves almost laws in our courts, says, in discussing the subject of impeachment :

The Constitution has rendered him [the President] directly amenable by law for maladministration. The inviolability of any officer of the government is incompatible with the republican theory as well as with the principles of retributive justice.

If the President will use the authority of his station to violate the Constitution or law of the land, the House of Representatives can arrest him in his career by resorting to the power of impeachment. (1 Kent's Com., 289.)

Story, of equal authority as a commentator on the Constitution, says :

In examining the parliamentary history of impeachments, it will be found that many offences not easily definable by law, and many of a purely political character, have been deemed high crimes and misdemeanors worthy of this extraordinary remedy.

Judge Curtis, one of the distinguished counsel for the respondent in this case, said in 1862 :

The President is the commander-in-chief of the army and navy, not only by force of the Constitution, but under and subject to the Constitution, and to every restriction therein contained, and to every law enacted by its authority, as completely and clearly as the private in the ranks. *He is general-in-chief; but can a general-in-chief disobey any law of his own country? When he can he superadds to his rights as commander the powers of a usurper, and that is military despotism; * * * the mere authority to command an army is not an authority to disobey the laws of his country.*

Besides, all the powers of the President are executive merely. He cannot make a law. He cannot repeal one. He can only execute the laws. He can neither make nor suspend nor alter them. He cannot even make an article of war.

Section 3, article 1 of the Constitution says :

The Senate shall have the sole power to try all impeachments.

I was present on the 15th day of April, 1865, the day of the death of the lamented Lincoln, when you, Mr. President, administered to Andrew Johnson the oath of office as President of the United States. He then and there swore that he would "preserve, protect, and defend the Constitution of the United States," and "take care that the laws should be faithfully executed."

On the 2d day of March, 1867, Congress passed a law, over the veto of the

President, entitled "An act to regulate the tenure of certain civil offices," the first section of which is as follows :

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every person holding any civil office to which he has been appointed by and with the advice and consent of the Senate, and every person who may hereafter be appointed to any such office and shall become duly qualified to act therein, is and shall be entitled to hold such office until a successor shall have been in like manner appointed and duly qualified, except as herein otherwise provided : *Provided,* That the Secretaries of State, of the Treasury, of War, of the Navy, and of the Interior, the Postmaster General, and the Attorney General, shall hold their offices respectively for and during the term of the President by whom they may have been appointed, and for one month thereafter, subject to removal by and with the advice and consent of the Senate.

This law is in entire harmony with the Constitution. "Every person appointed or to be appointed" to office with the advice and consent of the Senate, shall hold the office until a successor shall "*in like manner,*" that is, "by the advice and consent of the Senate" be appointed and qualified. This is obviously in pursuance of the Constitution.

Now, if we construe this section independently of the proviso, we shall see that the removal of Mr. Stanton without the advice and consent of the Senate, and before his successor was appointed with the advice and consent of the Senate, was a misdemeanor, and was so declared and made punishable by the 6th section of the same act. And, again, if Mr. Stanton's case is excepted from the body of the act, and comes within the proviso, then his removal without the concurrence of the Senate, was a violation of the law, because, by the terms of the proviso, he was only subject to removal by and with the advice and consent of the Senate.

But my colleague (Mr. Trumbull) contends that Mr. Stanton was not included in the body of the section, because there is a proviso to it which excepts him and other heads of departments from "every other civil officer," and yet he argues that he is not in the proviso itself, which certainly is strange logic. He argues that his tenure of office was given under the act of 1789, and that by that act the President had a right to remove him. If this be so, why did not the President remove him under that act, and not suspend him under the tenure-of-office act, and why did my colleague act under the tenure-of-office law in restoring Mr. Stanton?

It is claimed that Mr. Stanton is not included within the civil-tenure-of-office act, because he was not appointed by Mr. Johnson, in whose term he was removed ; that he was appointed by Mr. Lincoln, and that Mr. Stanton's term expired one month after his (Mr. Lincoln's) death, and that Johnson is not serving part of Mr. Lincoln's term.

The true construction of the whole section, including the proviso, is that every person appointed and to be appointed, with the advice and consent of the Senate, is to hold the office until his successor shall have been in like manner appointed and qualified, *except* the heads of departments, who are to hold their offices, not till their successors are appointed, but during the term of the President by whom they may have been appointed and for one month longer, and always "subject to removal by and with the advice and consent of the Senate."

Now, the only object of the proviso was to confer upon the Secretary of War, and other heads of departments, a definite tenure of office, and a different term from that given in the body of the act. Can anything be plainer than that the case of Stanton is embraced in the meaning of the section, and that he is entitled either to hold until his successor shall have been appointed, by and with the advice and consent of the Senate, or during the term of the President, not "in which he was appointed," but "during the term of the President *by whom* he was appointed?"

At the time of the passage of the act of March 2, 1867, Mr. Stanton was holding the office of Secretary of War for, and in the term of, Mr. Lincoln, by whom he had been appointed, which term had commenced on the 4th of March,

1865, and will end March 4, 1869. The Constitution defines the President's term thus : " He shall hold his office during the term of four years." It further says that the term of the Vice-President shall be four years. In case of death or vacancy "the duties of his office shall devolve on the Vice-President." When Mr. Lincoln died, Mr. Johnson's term was not a new one, but he succeeded to Mr. Lincoln's office and performs its duties for the remainder of Mr. Lincoln's term. Mr. Stanton was appointed by Mr. Lincoln, and, according to the proviso, holds for the term of the President "by whom he was appointed, and one month thereafter," and can be removed only by the appointment of a successor, with the advice and consent of the Senate, before the expiration of his term.

If, as contended by the President, Mr. Stanton's term expired with the death of Lincoln, and Mr. Johnson did not reappoint or commission him, then from the death of Mr. Lincoln until the commencement of this trial there was no legal Secretary of War, and the President permitted Stanton to act without authority of law, to disburse millions of public money, and to perform all the various functions of Secretary of War without warrant of law, which would of itself be a misdemeanor. I believe it was the senator from Maine (Mr. Fessenden) who said "dead men have no terms." When that senator was elected for six years to the Senate, does it not remain his term though he should die or resign before its expiration, and would not his successor chosen to fill the vacancy serve simply for the remainder of *his* term, and not a new term of his own for six years? I could consent to the construction of the senator from Maine if, instead of limiting the presidential term to four years, it had provided that his term should be four years or till the death of the President, in case of his decease before the expiration of the four years; but it does not so provide.

The meaning of the word "vice" in Vice-President is, "instead of" or "to stand in the place of; "one who stands in the place of another." Therefore, Mr. Johnson succeeded, not to his own, but to Mr. Lincoln's term, with all its conditions and incidents. Death does not terminate a man's *term* of office. If a tenant of a farm for a term of seven years dies at the end of his first year, the remainder of the lease vests in his legal representatives; so the remainder of Mr. Lincoln's term at his death vested in his successor, Mr. Johnson. It follows that Mr. Stanton's term, ascertained by the act of March 2, 1867, does not expire till one month after the 4th of March, 1869, and that his removal, and the appointment of an officer in his place, without the advice and consent of the Senate, was a violation of the law.

The second section provides that when the Senate is not in session, if the President shall deem the officer guilty of acts which require his removal or suspension, he may be suspended until the next meeting of the Senate; and that within twenty days after the meeting of the Senate the reasons for such suspension shall be reported to that body; and if the Senate shall deem such reasons sufficient for such suspension or removal, the officer shall be considered removed from his office; but if the Senate shall not deem the reasons sufficient for suspension or removal, the officer shall forthwith resume the functions of his office, and the person appointed in his place shall cease to discharge such duties.

That is to say, when any officer, appointed in manner and form as provided in the first section—that is, by and with the advice and consent of the Senate—is suspended, and the Senate does not concur in the suspension, such officer shall forthwith resume the functions of his office. Mr. Stanton having been appointed, by and with the advice and consent of the Senate, was suspended, but the Senate refused to concur in his suspension. According to the law, he was then entitled to resume the functions of his office, but the President does not permit him to do so, and refuses to have official relations with him, and has appointed and recognized as a member of his cabinet another Secretary of War. Is not this a palpable violation of the very letter of the law? By what technical quibble can any senator avoid the conviction of the culprit who thus defies a statute? If it is admitted that the President can legally "*remove*" Mr. Stanton,

that proves too much, because the second section of the act in question declares that the President shall only "suspend" the officer, and in the case of suspension and *that only*, and during *recess*, may an *ad interim* appointment be made. An *ad interim* appointment upon a removal is absolutely prohibited. As was well said by the senator from Oregon, (Mr. Williams :)

Vacancies in office can only be filled in two ways under the tenure-of-office act. One is by temporary or *ad interim* appointment during the *recess of the Senate*; the other is by appointment, by and with the advice and consent of the Senate, *during the session*.

Let us see—the Senate being the sole tribunal to try impeachments, and to decide upon the validity and violation of this law—what action the Senate has already taken.

On the 12th day of August, 1867, the Senate then not being in session, the President suspended Edwin M. Stanton, Secretary of the Department of War, and appointed U. S. Grant, General, Secretary of War *ad interim*. On the 12th day of December, 1867, the Senate being then in session, he reported, according to the requirements of the act, the causes of such suspension to the Senate, which duly took the same into consideration, and by an overwhelming vote of 35 to 6 refused to concur in the suspension, which action, according to the tenure-of-office act, reinstated Mr. Stanton in office. The President, bent upon the removal of Stanton, in defiance of the Senate and of the law, on the 21st day of February, 1868, appointed one Lorenzo Thomas, by letter of authority or commission, Secretary of War *ad interim*, without the advice and consent of the Senate, although the same was then in session, and ordered him (the said Thomas) to take possession of the Department of War and the public property appertaining thereto, and to discharge the duties thereof, and notified the Senate of his action. The Senate considered the communication, and, after debate, by a vote of 29 to 6, passed the following resolution :

Resolved by the Senate of the United States, That under the Constitution and laws of the United States the President has no power to remove the Secretary of War and to designate any other officer to perform the duties of that office *ad interim*.

And now, after such action under our oaths, are we to stultify ourselves, and swallow our own words and resolutions passed in the most solemn manner? Can we say that the President did not violate the law? that he did not become liable to conviction for violating the provisions of the tenure-of-office act, after he has admitted, in his answer upon this trial, that he tried to rid himself of Stanton by complying with the act; and after he has acknowledged that he was acting under the law of March 2, 1867, as shown by his letter to the Secretary of the Treasury, dated August 14, 1867, as follows :

SIR : In compliance with the act entitled "An act to regulate the tenure of certain civil offices," you are hereby notified that, on the 12th instant, Hon. Edwin M. Stanton, Secretary of War, was suspended from his office as Secretary of War, and General Grant authorized and empowered to act as Secretary *ad interim*?

To show also how trifling is the plea of the President that the law did not apply to this case; after he had acted upon it, as above stated by himself, and after he had reported the reasons for suspension, within the 20 days as required by the act, there is the further and still more conclusive proof, that the forms of commissions and official bonds were altered to conform to the requirements of the same tenure-of-office act, and under his own sign manual issued to his appointees commissioned since its passage. If it be admitted, then, that Mr. Stanton's case did not come within the provisions of the first section of the act, yet is the President clearly guilty under the second section.

I shall now ask attention to the sixth section of the act, which is as follows :

That every removal, appointment, or employment made, had, or exercised contrary to the provisions of this act, and the making, signing, sealing, countersigning, or issuing of any commission or letter of authority for or in respect to any such appointment or employment, shall be deemed, and are hereby declared to be, high misdemeanors; and upon trial and conviction thereof every person guilty thereof shall be punished by a fine not exceeding

\$10,000 or by imprisonment not exceeding five years, or both said punishments, in the discretion of the court.

If this section stood alone, who can deny that by his order to Thomas appointing him Secretary of War *ad interim*, and commanding him to turn Mr. Stanton out of office and take possession of the same, its books and papers, he did commit a misdemeanor, especially when, by the very terms of this section, the issuing of such an order is expressly declared to be a high misdemeanor, and punishable by fine and imprisonment?

The second article charges that the President violated this law by issuing to General Thomas a letter of authority as Secretary of War *ad interim*. How, then, can my colleague use the following language:

Considering that the facts charged against the President in the second article are in no respect contrary to any provision of the tenure-of-office act, they do not constitute a misdemeanor, and are not forbidden by any statute.

How can he justify such a statement, when he admits that the letter of authority was issued, and it is specifically declared in the act to be a misdemeanor?

Again, it is said that the prosecution is bound to prove criminal intent in the President. Such is not the law. The act itself proves the intent, if deliberately done by the party committing it. Such is the construction and the practice in all courts. If any person voluntarily commits an unlawful act the criminal intent is presumed. The principle is as old as our civilization, recognized in all courts of our own and other countries, that any unlawful act, voluntarily committed by a person of sound mind and mature age, necessarily implies that the person doing it intends all the consequences necessarily resulting therefrom. The burglar who breaks into your house in the night, with revolver in hand, may plead for the burglary, larceny, and even murder itself, the not unworthy motive, that his only purpose was to procure subsistence for his starving wife and little ones. Booth, the vilest of assassins, declared, while committing the bloodiest crime in time's frightful calendar, that he murdered a tyrant for the sake of humanity, and in the sacred name of patriotism.

But it is not necessary to insist upon the technical rule that the criminal intent is to be presumed on proof of the act, for if there is one thing that is directly proved, that stands out in bold relief, that is plain as the sun at noon-day, it is, that the President wilfully, wickedly, and defiantly *violated* the law; and that, after due notice and admonition, he wickedly and with criminal perverseness persisted in violating the Constitution and the laws, and in bold usurpations of power, unsettling the proper checks, limitations, and balances between the departments of the government; with malice aforethought striving to eject from office a faithful servant of the people, whose only crime was his loyalty, and substituting in his stead a man who was to be his willing instrument in thwarting the policy and legislation of the people's representatives, and in placing the government again in the hands of rebels, who with corrupt hearts and bloody hands struck at the nation's life.

Edwin M. Stanton, Mr. Lincoln's faithful minister and friend, whom the people learned to trust and lean upon in the dark hours of the republic, who wielded that mighty enginery by which our army of more than a million of men was raised, clothed, armed, and fed; who with the genius of a Napoleon comprehended the vast field of our military operations and organized war and victory with matchless skill—a man of unstained honor, spotless integrity, unquestioned loyalty, having the confidence of all loyal hearts in the country—this was the man who incurred the bitter hatred of Johnson, because he opposed his usurpations and his policy and acts in the interest of traitors, and because, like a faithful sentinel upon the watchtower of liberty, he gave the people warning against Johnson's schemes of mad ambition.

In proof of the respondent's malicious intent to violate the law, I refer you

to his attempt to induce General Grant to aid him in open, avowed violation of the law, as proved in his letter to Grant dated January 31, 1868. He therein declared his purpose to eject Stanton "*whether sustained in the suspension or not,*" and upbraided Grant because, as he alleges, Grant agreed, but failed to help him keep Stanton out by refusing to restore the office to Stanton, as by the second section of the act of March 2, 1867, he was required to do. He says:

You had found in our first conference "that the President was desirous of keeping Mr. Stanton out of office, *whether sustained in the suspension or not.*" You knew what reasons had induced the President to ask from you a promise; you also knew that in case your views of duty did not accord with his own convictions it was his purpose to fill your place by another appointment. Even ignoring the existence of a positive understanding between us, these conclusions were plainly deducible from our various conversations. It is certain, however, that even under these circumstances you did not offer to return the place to my possession, but, according to your own statement, placed yourself in a position where, could I have anticipated your action, I would have been compelled to ask of you, as I was compelled to ask of your predecessor in the War Department, a letter of resignation, or else to resort to the more disagreeable expedient of suspending you by a successor.

That he intended to violate the law by preventing Mr. Stanton from resuming the functions of his office, as provided by law, should the Senate non-concur in his suspension, is clearly proved by his other letter to General Grant of February 10, 1868, from which I quote as follows:

First of all, you here admit that from the very beginning of what you term "the whole history" of your connection with Mr. Stanton's suspension, you intended to circumvent the President. It was to carry out that intent that you accepted the appointment. This was in your mind at the time of your acceptance. It was not, then, in obedience to the order of your superior, as has heretofore been supposed, that you assumed the duties of the office. You knew it was the President's purpose to prevent Mr. Stanton from resuming the office of Secretary of War.

If you want intent proved, how can you more clearly do it than to use his own words that it was his "purpose to do the act, and that Grant knew that was his purpose from the very beginning when Stanton was suspended?"

Is it necessary to dwell upon the subject of intent when in his own answer he confesses to having violated the law which expressly says that the officer, for good reasons only, should be suspended until the next session of the Senate, and coolly tells us that he "did not suspend the said Stanton from office until the next meeting of the Senate," as the law provided, "but by force and authority vested in him by the Constitution he suspended him *indefinitely*, and at the pleasure of the President, and that the order was made known to the Senate of the United States on the 12th day of December, 1867." In other words, he says to the Senate with most complacent effrontery: "Your law says I shall only suspend Stanton to the end of 20 days after the beginning of your next session. I *have* suspended him *indefinitely*, at the pleasure of the President, and I defy you to punish or hinder me." With all this, the respondent's counsel ask for proof of criminal intent. He tells the law-making power of the sovereign people that he sets up his pleasure against the positive mandates of law. He tells the Senate, "I do not acknowledge your law, which you, by your votes on your oaths, adopted and declared constitutional. I think it unconstitutional, and so said in my veto message, and I will not execute the law, but I will execute my veto; the reasons of my veto shall be my guide. I understand the constitutionality of the law better than Congress, and although my message vetoing the bill was overruled by two-thirds of Congress, and though you have declared by law that I can only suspend Stanton, I choose, of my own sovereign will, which is above law, to remove him indefinitely. Furthermore, your law says, that in case his suspension is not concurred in by the Senate, Mr. Stanton shall forthwith resume the functions of his office, and you have by resolution, a copy of which I confess to have received, refused to concur with me in suspending him. I shall not, however, suffer him to hold the office, and I have appointed Lorenzo Thomas Secretary of War, not with your advice and consent, but con-

trary to the same." This is the offence of the President which, in the judgment of the President's apologists, is so "trifling" that we ought to pass it by in silence, or rather excuse, by approving it in our verdict.

But what shall we say of the President's crime, when to the violation of law he adds falsehood and deception in the excuses he gives for its violation? His plea that he violated the law because of its unconstitutionality, and his desire to refer it to the Supreme Court, is shown to be a mere subterfuge—an afterthought—by the fact that, in August last, when he designated Grant to perform the duties of the War Office, he distinctly avowed that he was acting under the act of March 2, 1867; by the fact that he had caused the departments to so alter the forms of commissions and bonds as to make them conform to this very statute; by the fact that he reported reasons for the suspension, as required in the act, in an elaborate message to the Senate; and finally by the fact that nowhere in said message does he intimate that he does not recognize the validity of the act, but argues distinctly that he proceeds *under* the same. He did not tell senators in that message that the act was unconstitutional and that he had suspended Stanton *indefinitely*. And I assert that every senator was led to believe that it was the purpose of the President to regard the act valid, and to abide the judgment of the Senate. It was not until the ghost of impeachment, the terrors of a broken oath, and removal from the high trust which he has abused, as a punishment for violated law, rose up to confront him, that he resorted to the technical subterfuges of his answer that the law was unconstitutional, and the specious plea that his purpose in resisting the law was to test its validity before the Supreme Court.

In the whole history of these transactions, he has written as with a pen of steel in dark and imperishable lines his criminal intent to violate the law: First, he attempted to seduce General Grant to his purpose, but he indignantly refused; then General G. H. Thomas; then General Sherman; then General Emory; and finally he selected General Lorenzo Thomas, a man who was willing, as he testifies, "to obey the President's orders;" and who in pursuance of those orders threatened to "kick Stanton out;" and "if the doors of the War Office were barred against him," he would "break them down by force;" and who says on his oath that he would have executed his threats on the following day but for his arrest, after his return from the masquerade ball.

And now, as senators, we are exhorted to find him guiltless in violating a law which we have often declared constitutional and valid, upon the subterfuge, the afterthought of the criminal, the excuse of a lawbreaker caught in the act, the plea born of fear and the terrors of impeachment, and shown by the record made by his own hands to be utterly false. For one I cannot be so false to convictions, so regardless of fact, so indifferent to consistency, so blind to evidence, so lenient to crime, so reckless of my oath and of my country's peace.

Ours is a land of law. The principle of submission to the authority of law is canonized in the hearts of the American people as a sacred thing. There are none too high to be above its penalties, none too low to be beyond its protection. It is a shield to the weak, a restraint to the strong, and is the foundation of civil order and peace. When the day comes that the laws may be violated with impunity by either high or low, all is lost. A pall of darkness will shut us in with anarchy, violence, and blood as our portion, and I fear the sun of peace and liberty will never more illumine our nation's path. The nation looks for a most careful observance of the law by the highest officer known to the law, because he has an "oath registered in heaven" that he "will take care that the laws shall be faithfully executed." If the President of the United States, who should be the high exemplar to all the people, shall violate his oath with impunity, at his mere pleasure dispense with, or disregard, or violate the law, why may not all do the same? Why not at once sweep away the Constitution and laws, and level to the earth our temples of liberty and justice; resolve

society into its original elements, where brute force, not right, shall rule, and chaos, anarchy, and lawless violence dominate the land?

The Constitution and the laws passed in pursuance thereof are "the supreme law of the land." The President admits in his answer, and in his defence, that he acted in violation of the provisions of a statute, and his strange and startling defence is, that he may suspend the operation of a law; that is to say, in plain terms, violate it at his pleasure, if, in *his opinion*, the law is unconstitutional; "that being unconstitutional it is void, and that penalties do not attach to its violation."

Mr. President, I utterly deny that the President has any such right. His duties are ministerial, and in no sense judicial. It is not his prerogative to exercise judicial powers. He must execute the laws, even though the legislature may pass acts which, in his opinion, are unconstitutional. His duty is to study the law, not with the purpose to set it aside, but that he may obey its injunctions strictly. Can a sheriff, sworn to execute the laws, refuse to hang a convicted murderer, because, in his judgment, the law under which the criminal has been tried is unconstitutional? He has no remedy but to execute the law in manner and form as prescribed, or resign to a successor who will do so.

I quote from the Constitution to show how laws become such, and that when certain prescribed forms are complied with the requirements of a law must be observed by all as long as it remains on the statute-book unrepealed by the Congress which made it, or is declared of no validity by the Supreme Court, it of course having jurisdiction upon a case stated:

Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States; if he approve, he shall sign it, but if not, he shall return it with his objections to that house in which it shall have originated, who shall enter the objections at large on their journal and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house it shall become a law. * * *

If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every bill which has passed the House of Representatives and the Senate, and been approved by the President, "shall become a law." If not approved by him, and it is again passed by two-thirds of each house, "it shall become a law;" and if he retains it more than ten days, whether he approve or disapprove, it shall still "*become a law*." No matter how pertinent may be his objections in his veto message; no matter with how much learning or law he may clothe his argument; no matter how vividly he may portray the evil which may result from its execution, or how flagrantly it may, in his view, conflict with the Constitution, yet if it is passed over his veto by two-thirds of the Senate and House of Representatives, his power ceases and his duties are at an end, and it *becomes a law*, and he is bound by his oath to execute it and leave the responsibility where it belongs, with the law-makers, who must answer to the people. If he then refuses to execute it, what is this but simple resistance, sedition, usurpation, and, if persisted in, revolution? Is it in his discretion to say it is not a law when the Constitution says, in the plain English-vernacular, it is a law? Yes, Mr. President, it is a law to him *and to all* the people, to be obeyed and enforced throughout all the land.

It is a plain provision of the Constitution "that all legislative power granted by this Constitution shall be vested in a Congress, which shall consist of a Senate and House of Representatives." The President is no part of this legislative power. His veto message is merely suggestive, and if his reasons are deemed insufficient he is overruled, and the bill becomes a law "in like manner" as if he had approved it. The doctrine contended for by the President is monstrous, and if admitted is the end of all free government. It presents the question

whether the people of the United States are to make their own laws through their representatives in Congress, or whether all the powers of the government, executive, legislative, and judicial, are to be lodged in a single hand? He has the executive power, and is Commander-in-chief of the army and the navy. Now, if it is his province to judicially interpret and decide for himself what laws are constitutional and of binding validity upon him, then he has the judicial power, and there is no use for a Supreme Court; and, if having decided a law, in his opinion, to be unconstitutional, he may of his own will and sovereign pleasure set aside, dispense with, repeal, and violate a law which has passed over his veto, then he has the legislative power, and Congress is a myth, worse than "an excrescence hanging on the verge of the government." Thus the purse and the sword, and all the powers which we heretofore considered so nicely balanced between the various departments of the government, are transferred to a single person, and the government is as essentially a monarchy or a despotism as it would be if the Constitution and Congress were obliterated and the whole power lodged in the hands of the President. When such questions as these are involved shall we wonder that the pulse of the popular heart of this nation beats, and heaves with terrible anxiety as we near the final judgment on this great trial, in which the life of the nation hangs trembling in the scale, as much so as when it was struggling for existence in the perilous hours of the war through which it has recently passed. Am I, as a senator and one of this high court of impeachment, called upon to register, not that the Constitution and the laws shall be the supreme law, but that the will of one man shall be the law of the land?

Let us look at another point in the defence. The President says he violated the law in removing Stanton for the purpose of making a case before the Supreme Court, and thus procuring a decision upon the constitutionality of the law. That is, he broke the law in order to bring the judiciary to his aid in resisting the will of the people. I would here commend to his careful attention the opinion of Attorney General Black, his whilom constitutional adviser. He says, in 1860:

But his (the President's) power is to be used only in the manner prescribed by the legislative department. He cannot accomplish a legal purpose by illegal means, or break the laws himself to prevent them from being violated by others. (9 Op. Att'y's Gen., 516.)

It is to be regretted that considerations of great gravity prevented the President from appearing here by counsel thus committed to a view of the extent of executive authority at once so just and so acceptable to the candid patriot.

Inasmuch as it has already been shown that good intentions do not justify the violation of known law, I am unable to see the propriety of stopping the wheels of government and holding in abeyance the rights of many individuals, and paralyzing the usefulness of our army, until the President sees fit to proceed through all the formalities and tedious delays of the Supreme Court, or any other court. If the President can do this, why may not any and all parties refuse compliance with the requirements of inconvenient laws upon the same plea? To oppose such a view with argument, is to dignify an absurdity.

One other point of the defence I wish to notice before closing. It is argued at length, that an offence charged before a court of impeachment must be an indictable one, or else the respondent must have a verdict of acquittal. Then why provide for impeachment at all? Why did not the Constitution leave the whole matter to a grand jury and the criminal courts? Nothing can be added to the arguments and citations of precedents by the honorable managers on this point, and those most learned in the law cannot strengthen that view which is obvious to the most cursory student of the Constitution, viz: that impeachment is a form of trial provided for cases which may *lack* as well as those which do contain the features of indictable crime. Corresponding to the equity side of a civil court, it provides for the trial and punishment, not only of indictable offences, but of those not technically described in rules of criminal procedure. The absurdity of

the respondent's plea is the more manifest in this case, because, not the Supreme Court, but the Senate of the United States is the only tribunal to try impeachments, and the President's vision should rather have been directed to what the Senate, sitting as a court of impeachment, would decide, than to have been anticipating what some future decision of a court having no jurisdiction in the case might be.

Impeachable misdemeanors partake of the nature of both political and criminal offences. Hence the Constitution has wisely conferred upon the people, through their representatives in Congress, the right and duty to become the prosecutors of great offenders for violations of laws, and crimes tending to the destruction of social order, and the overthrow of government, and has devolved the trial of such cases upon the Senate, composed of men supposed to be competent judges of law and facts, and who are allowed larger latitude of rulings than pertains to courts. With this view I have tried to weigh impartially the testimony in this case. I would not wrong the respondent, nor do I wish harm to come to the institutions of this land by his usurpations. I also desire to be consistent with myself so far as I may justly do so. I voted, not in haste, but deliberately, that the action of the President in removing or attempting to remove Stanton, was unconstitutional and in violation of law.

Is it possible that there is some newly discovered "*quirk*" in the law, not understood on the 24th February last, which renders Johnson's act less criminal than it then appeared? Did not senators believe the act of March 2, 1867, constitutional when they voted for it? After the President had arrayed all conceivable objections against it in his veto, did not two-thirds of this and of the other house still vote it constitutional and a valid law? Did they not by solemn resolution declare that the President had violated it and the Constitution in removing Stanton and appointing Thomas? How can we say, while under oath we try this man, that he is innocent? Is it not trifling with the country, a mockery of justice, an insult to the representatives of the people, and a melancholy instance of self-stultification, for us to solemnly declare the President a violator of law, thus inviting and making it the duty of the House of Representatives to prosecute him here, and after long investigation, at large expense of the people's money, with both confession of the criminal, and large and conclusive proofs of the crime—all this and more—for us to declare him not guilty?

The position in which senators are placed by the votes which they have heretofore given is so well stated in an editorial of a leading newspaper of my own State, the Chicago Tribune of May 7, 1868, that I extract from it as follows:

Johnson disregarded the constitution and the law, and broke them both by appointing a Secretary of War without the consent of the Senate when no vacancy existed.

No man can tell how black-letter lawyers may be influenced by hair-splitting niceties, legal quirks, and musty precedents.

Now, to acquit Andrew Johnson is to impeach the Senate, to insult and degrade the House and to betray the people. If Johnson is not guilty of violating the law and the constitution, the Senate is guilty of sustaining Stanton in defiance of the constitution; is guilty of helping to pass an unconstitutional law; is guilty of interfering with the executive prerogatives. Every senator who voted for the tenure-of-office bill, who voted that Johnson's removal of Stanton was in violation of that law, who voted to order the President to replace Stanton, and who now votes for the acquittal of Johnson, stultifies and condemns himself as to his previous acts, and the whole country will so understand it.

The Senate knew all the facts before the House impeached; the Senate's action made impeachment obligatory on the part of the House, and on the heads of the senators rest, the responsibility of defeating a verdict of guilty against a criminal who stands self-confessed as guilty of breaking the law and disregarding the Constitution. No matter what personal antipathy senators may feel for the man who will become Johnson's successor, no matter about the plots and schemes of the high-tariff lobby, the Senate has a solemn duty to perform, and that is to punish a wilful and malicious violation of the law. If the President, in disregard of his oath, may trample on the law, who is bound to obey it? If the President is not amenable to the law, he is an emperor, a despot: then what becomes of our boasted government by law, of our lauded free institutions?

My colleague is certainly in error when he says :

It is known, however, that the resolution coupled the two things, the removal of the Secretary of War and the designation of an officer *ad interim*, together, so that those who believed either without authority were compelled to vote for the resolution.

Just the reverse of that is the true doctrine. If a senator believed one branch of the proposition to be true, and the others false, he was bound by his oath to vote *against* the resolution.

Where two allegations are made, one of which is true and the other false, there is no obligation to affirm both.

Mr. President, I ought, in justice to those who may vote for acquittal, to say that I do not judge them. Nor do I think it a crime to vote in a minority of one against the world. When I have taken an oath to decide a case according to the law and the testimony, I would patiently listen to my constituents, and be willing, perhaps anxious to be convinced by them, yet no popular clamor, no fear of punishment or hope of reward, should seduce me from deciding according to the conviction of my conscience and my judgment ; therefore I judge no one. Our wisest and most trusted men have been often in a minority. I speak for myself, however, when I say it is very hard for me to see, after what seems to me such plain proof of wilful and wicked violation of law, how any senator can go back upon himself and his record, and upon the House of Representatives and the country, and set loose the greatest offender of modern times, to repeat at pleasure his acts of usurpation, and to plead the license and warrant of this great tribunal for his high crimes and misdemeanors.

In the eleventh article, among other things, it is charged that the President did attempt to prevent the execution of the act of March 2, 1867, providing for the more efficient government of the rebel States. It is plain to me from his veto messages, his proclamations, his appointments of rebels to office, his indiscriminate use of the pardoning power, his removal of our most faithful military officers from their posts, that he has been the great obstacle to the reconstruction of the Union.

With his support of Congress in its measures every State would long since have resumed its friendly and harmonious relations to the government, and our 40,000,000 of people would have rejoiced again in a restored and happy Union. It is his perverse resistance to almost every measure devised by Congress which retarded the work of reconstruction, reanimated the hopes and rekindled the virus of rebellion in the southern States. The Freedmen's Bureau bill, the civil-rights bill, and the various reconstruction bills were remorselessly vetoed by him and every obstacle thrown in the way of their proper and efficient execution. His unvarying purpose seems to have been to save the rebel oligarchy from the consequences which our victory pronounced upon it, and to enable it to accomplish by his policy, and abuse of his power, what could not be accomplished by the power of the sword. The rebellion lives in his vetoes and acts. If some daring usurper, backed by a powerful faction, and the army and navy subject to his call, should proclaim himself king or dictator, would not the blood leap in the heart of every true American ? and yet how little less than this is the condition of our public affairs, and who has not seen on the part of Andrew Johnson a deliberate purpose to override the sovereign power of the nation, and to usurp dangerous, dictatorial and kingly powers ? And what true patriot has not felt that in such conflicts of power there is eminent peril to the life of the republic, and that if some check by impeachment or otherwise be not put upon these presidential usurpations, the fruits of the war will be lost, the rebellion triumph, and the last hope of a permanent reunion of the States be extinguished forever ?

For reasons such as these, and for proof of which there is much of evidence in the documents and records of this trial, but more especially for the violation of the Constitution and of positive law, I cannot consent that with my vote the President shall longer work his treacherous and despotic will unchecked upon my suffering countrymen.

Mr. President, this is a tremendous hour for the republic. Gigantic interests and destinies concentrate in the work and duties of the eventful moments through which we are passing.

I would do justice, and justice requires conviction; justice to the people whom he has so cruelly wronged. I would be merciful, merciful to the millions whose rights he treacherously assails by his contempt for law. I would have peace; therefore I vote to remove from office this most pestilent disturber of public peace. I would have prosperity among the people, and confidence restored to capital; therefore I vote to punish him whose turbulence makes capital timid and paralyzes our national industries. I would have economy in the administration of public affairs; therefore I vote to depose the promoter and cause of unheard of official extravagance. I would have honesty in the collection of the public revenues; therefore I vote to remove this patron of the corruptionists. I would have my government respected abroad; therefore I vote to punish him who subjects us to dishonor by treating law with contempt. I would inspire respect for law in the youth of the land; I therefore vote to impose its penalties upon the most exalted criminal. I would secure and perpetuate liberty, and I therefore vote to purge the citadel of liberty of him who, through murder, succeeded to the chief command, and seeks to betray us to the enemy.

I fervently pray that this nation may avoid a repetition of that history, in which apostates and usurpers have desolated nations and enslaved mankind. Let our announcement this day to the President, and all future Presidents, and all conspirators against the liberties of this country, be what is already the edict of the loyal millions of our land, "You shall not tear this temple of liberty down." Let our warning go down the ages that every usurper and bold violator of law who thrusts himself in the path of this republic to honor and renown, whoever he may be, however high his title or proud his name, that, Arnold-like, he shall be gibbeted upon every hilltop throughout the land as a monument of his crime and punishment, and of the shame and grief of his country.

We are not alone in trying this cause. Out on the Pacific shore a deep murmur is heard from thousands of patriot voices; it swells over the western plain, peopled by millions more; with every increasing volume it advances; on by the lakes and through the busy marts of the great north, and re-echoed by other millions on the Atlantic strand, it thunders upon us a mighty nation's verdict, *guilty*. While from out the smoke and gloom of the desolated south, from the rice fields, and along the great rivers, from hundreds of thousands of persecuted and basely betrayed Unionists, comes also the solemn judgment, *guilty*.

The criminal cited before this bar by the people's representatives is, by his answer and the record, *guilty*.

Appealing for the correctness of my verdict to the Searcher of all hearts, and to the enlightened judgment of all who love justice, and in accord with this "cloud of witnesses," I vote, *guilty*.

Standing here in my place in this mighty temple of the nation, and as a senator of the Great Republic, with all history of men and nations behind me, and all progress and human happiness before me, I falter not, on this occasion, in duty to my country and to my State.

In this tremendous hour of the republic, trembling for life and being, it is no time for me to shrink from duty, after having so long earnestly supported those principles of government and public policy which, like Divine ordinances, protect and guide the race of man up the pathway of history and progress. As a juror, sitting on this great cause of my country, I wish it to go to history and to stand upon the imperishable records of the republic, that in the fear of God, but fearless of man, I voted for the conviction of Andrew Johnson, President of the United States, for the commission of high crimes and misdemeanors.

SPEECH

OF

HON. RICHARD YATES,

OF ILLINOIS,

DELIVERED

IN THE SENATE OF THE UNITED STATES,

JUNE 11, 1868.

WASHINGTON:
F. & J. RIVES & GEO. A. BAILEY,
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1868.



REPRESENTATION IN CONGRESS.

The Senate having under consideration the motion to reconsider the vote on the passage of the bill (H. R. No. 1058) to admit the States of North Carolina, South Carolina, Louisiana, Georgia, Alabama, and Florida, to representation in Congress—

Mr. YATES said :

Mr. PRESIDENT : The war through which the country has passed and its incidents have waked up a new spirit of inquiry into the powers of the Constitution, the relative powers of the General Government and of the States, of the President and of Congress. It seems that the doctrine of State rights or State sovereignty, which was undoubtedly the father of secession and the cause of the war, and which, upon the construction given to it by the Democratic party, is certainly the gateway to the dissolution of the Union, is now revived, and Senators even on this side of the Senate seem to give color to the dangerous pretension that it is settled that the States are sovereign in the power to limit the right of suffrage to as many or as few of the people as in their discretion they may deem proper.

Mr. President, I declare myself opposed to that sort of logic which opposes every measure of reform upon the ground that "the question is settled." Moreover, I am not in favor of applying the precedents of slavery to the altered state of things brought about in this country by emancipation. In advocating the cause of human rights I do not like to have a merely legal plea interposed, a special demurrer, a musty precedent brought up to prevent the saving action of Congress for a wholesome and permanent reconstruction of the Union.

Sir, I do not deery precedents. I belong to the profession of the law, and I am proud to be a member of that profession. I know, however, that precedents are as useful sometimes to show the errors of the past, as they are as examples for our imitation.

Slavery was once the rule and freedom the exception, and whatever else might be disturbed, slavery was sacred. All constitutions, laws, and usages were to bow submissively before the Moloch of slavery. Even the good

Lincoln—who was a radical anti-slavery man, and who said if anything was wrong slavery was wrong—said it was no part of the war to interfere with slavery, and up to the beginning, and during the war, statesmen denounced it apologetically. Even Congress raised a rampart for its protection by an apologetic resolution that it could not be interfered with, and that it was no part or purpose of the war to put it down. Behind the parapets of judicial decisions, and clothed with the imperial panoply of law and precedent, it stood impregnably and defiantly secure. The cry from all the hustings was "the question is settled."

But, Mr. President, it perished with the rebellion. Brightest among the trophies of the war is slavery destroyed and the supremacy of the slave power annihilated. In America, all, thank God, are free.

And yet, sir, when the proposition is introduced here to append a fundamental condition to the admission of a State, and that fundamental condition is to be in aid of human rights, we are told that that is an old question, and has long been settled.

We now have a new rule. Freedom is now the rule, and slavery the exception. It is now settled that all constitutions, laws, usages, and precedents, and all constructions against human liberty, are but cobwebs, to be swept away, in the march of events, with the institution of slavery in aid of which they were set up and established. Whatever may be the precedents or the rule of construction heretofore, it is now settled that all future constructions are to be given in favor of liberty and the extension of the rights of all men.

How long will it take statesmen to learn that nothing is to be considered as settled which is not settled upon the principles of right, truth, justice, and liberty?

The Senator from Pennsylvania [Mr. BUCKALEW] says that, as "this question has been settled from the foundation of the Government to the present time, surely no man can be hardy enough to question it." My colleague [Mr. TRUMBULL] says that all such conditions are inoperative and void.

Mr. President, when the other day I referred to some illustrations showing the applicability of the ordinance of 1787, and of the Missouri compromise of 1820, the Senator from New York [Mr. CONKLING] said I was exceedingly unlucky in introducing those precedents. Sir, the bad luck is on his side. The bad luck is on the side of any man who now, in the altered state of things in this day of emancipation, casts his vote against a fundamental condition by which the rights of every American citizen are recognized and secured. Suppose that condition was inoperative, as the Senator from Nevada [Mr. STEWART] very justly asked, "what harm could there be in it?" Would it weaken the Constitution to require the people, through their Legislature, to give their assent to such a condition? Such consent would be in the nature of a compact, and the idea of good faith would enter into it, to last during all the generations of the people of the State. The word of a great State must be kept. With a bad grace could the State ever attempt to alter this great fundamental cornerstone of the institutions of the State.

Mr. President, upon the subject of the power to impose these conditions the argument of the Senator from Vermont [Mr. EDMUNDS] has not been answered, and cannot be answered. The precedents which he offered are to the point, and they sustain the power of Congress over the subject. I shall be able to show, during this argument, that every Senator who has voted for imposing this condition upon Nebraska and upon Alabama has positively committed himself to the power of Congress over the question of suffrage in all the States. Senators may as well consider this. They are committed to the principle; their mouths are closed; they cannot explain away this commitment; no technical quibbles will avail them. You cannot say by your votes that the State shall never have power to change its constitution in regard to suffrage, and yet say that Congress has not the power over the question of suffrage in the States. Every Senator upon this floor who has committed himself by his vote in favor of imposing a condition preventing the States from changing their constitution so as to exclude a large portion of the people from suffrage has asserted the power of Congress, the unlimited power of Congress, over the subject of suffrage in the States. And it will not do at all for Senators, when they, by their votes, have appended to the Nebraska and Colorado bills a fundamental condition prohibiting those States from disfranchising their citizens, to say now that it has been settled that Congress has no power over the question of suffrage.

But, sir, I referred to the ordinance of 1787, not simply because Congress had the power to pass that ordinance, but to show the salutary effects of fundamental conditions, such as the bill before us proposes, on the future of a State. What I asserted was, that the ordinance of 1787 did keep slavery out of the

Northwestern Territory. Those five States, which were carved out of the Northwestern Territory, would have been slave States, inevitably slave States, but for the effect of the ordinance of 1787. The slave emigration which went to Missouri would, at least one half of it, have gone to Illinois and the other western States; and instead of this ordinance being inoperative, as contended by the Senator from New York, it was regarded as having almost the sanction of a constitutional provision. All petitions to Congress to suspend the operations of the ordinance, even temporarily, failed. It is a historical fact that slave-owners who emigrated to Illinois in many instances hired out their slaves in Missouri, fearing that if taken to Illinois, they would become free by operation of the ordinance. So troublesome did the slaves hired out in Missouri, by residents of Illinois, become, that the Legislature of Missouri, not being able to reach the owners, passed a law, making the resident agents of the owners responsible for the mischiefs they committed.

When the people of Illinois came to adopt their constitution, they declared in the preamble, that it was made consistent with the ordinance of 1787, and provided in the constitution against the future existence of slavery in the State. All efforts to amend the constitution so as to admit slavery, failed. All that has been said to the contrary notwithstanding, I say, that the people held in high estimation this condition prohibiting slavery. As they regarded the title to their homesteads; as they regarded the Declaration of Independence; as they regarded their right to worship God; so they regarded that ordinance, which made their prairies the home of freemen, and which dedicated the Northwestern Territory to freedom and free institutions.

And sir, what has been the effect? Under that ordinance those five Territories became free States, and the power of this continent is there; they are running their race to glory, and inspired by the energizing power of free labor and free institutions they have taken their position, and already of themselves, constitute an empire.

When I referred to the Missouri compromise, I did it to show that that compromise had the effect to keep slavery out of the territory north of the parallel of 36° 30' north latitude. Will any Senator deny that, in the absence of that ordinance, slavery would have entered into those Territories, under the State-rights doctrine that slave property could go, under the constitution and the laws, into any State or Territory of the United States? That compromise you may now call a foolish thing; but the Senator from Maryland [Mr. JOHNSON] will remember that Mr. Clay said of it, the bells rang, the cannons were fired, and every demonstration of joy was made throughout the Republic, on account of the passage of the Missouri compromise. You remember Mr.

Douglas said, though afterward he attempted to break it down: "That it was a compromise akin to the Constitution; that it had its origin in the hearts of patriotic men of all sections of the country, and was canonized in the hearts of the American people as a sacred thing, which no ruthless hand would ever dare to disturb." This was the effect of that compromise. Slavery could not enter that Territory. This compromise stood as a wall against slave immigration, and protected those Territories from the blighting curse of human bondage.

It is said by the gentlemen who contend that these fundamental conditions are null and void, that the condition which was imposed on Missouri in 1821 was all right enough. It seems that in the adoption of her constitution, one clause excluded the immigration of free negroes into the State. Congress put a condition in the act of admission which provided, that nothing in that clause should be so construed as to interfere with, or deprive citizens of the United States of their rights. This it is admitted was a good condition, and why? Because it prevented the State of Missouri ever afterward from violating the Constitution of the United States, by the exclusion of citizens of the United States from entering that State. Now, sir, our argument is this: that this condition, which we offer to impose upon the States which are to be restored to their full relations in this Union, is to prevent the State from violating the Constitution of the United States, in that most important and vital of all points, the depriving a whole race of their right of suffrage, and other rights under the Constitution.

The doctrine for which I contend is, that Congress has the right and the power to enforce by laws "necessary and proper," in the language of the Constitution, a republican government in every State of the United States, whether that State is to be received into the Union, or is already in the Union. The power to establish republican governments devolves upon Congress in the last resort. In the first instance, it may be committed to the States; but Congress has the revisory power. Congress, under the Constitution, is required to guaranty to every State in the Union a republican form of government. Then the concluding clause of the eighth section of the first article of the Constitution declares, that Congress shall have authority to carry into effect all the enumerated powers of the Constitution, by passing laws necessary and proper for that purpose, and also shall have power to pass all laws necessary and proper to carry into effect any power vested in the Government of the United States, or in any department or officer thereof. The power is vested in, and the duty imposed upon, Congress of guarantying to each State, a republican form of government, and Congress is authorized, and, in fact, required, by necessary and proper laws, to carry into execution that guarantee.

This doctrine is not at all startling when Senators look at the ground whereon they stand, and see how they have already committed themselves, and consider what immeasurable benefits will flow to the people of this country, by settling the question of slavery and all its incidents by taking the question of suffrage out of the arena of American politics, by settling it upon principles just and fair to every section of the Union, by placing each State upon an equal footing with every other State, and each citizen of the United States upon an equal footing with every other citizen of the United States. Sir, when this doctrine can be sustained upon such clear demonstration, it ought not to startle Senators.

Mr. President, it has been said sarcastically, that upon this question, the Senator from Massachusetts [Mr. SUMNER] is radical. It is said to me, that I follow in the wake of the Senator from Massachusetts. Sir, I do not follow in any man's wake; but I do not object to this accusation. I do not deem it a reproach to be a disciple of that distinguished Senator, the worthy representative of that grand old Commonwealth "where American liberty raised its first voice."

For a quarter of a century that Senator [Mr. SUMNER] has been the fearless champion of human rights. He has occupied the advanced guard, the outpost in the army of progress. Triumphant over calumny and unawed by personal violence, with a keen, prophetic eye upon the great result to be attained, with the scimeter of truth and justice in his hand, and the banner of the Union over his head, he has pressed onward to the goal of final victory. Although yet in the vigor of his manhood, he has lived to see the small band of pioneers who stood by him swollen to mighty millions. His views have already been embraced and lauded as the wisest statesmanship. They have been written upon the very frontispiece of the age in which he lives; written in the history of the mighty events which are transpiring around us; written in the constitutions and the laws, both national and State, of his country. Where he stood yesterday other statesmen stand to-day. Where he stands in 1868 other statesmen will stand in 1872. Say what we may, there are none in this country who can contest the right of his tall plume to wave at the head of freedom's all-conquering hosts.

Mr. President, I wish it understood that I do not antagonize the Chicago platform. The ground that I take is in entire accord and harmony with it. That platform says what I do, that the question of suffrage belongs to the States—so I say, that the question of suffrage belongs in the first instance, to the States, but if the States shall in prescribing the qualifications of voters so prescribe them as to disfranchise a portion of citizens arbitrarily, and thus render the government anti-republican, then Congress is required to intervene and make it a republican form of government.

I confess that recent events, and especially the course of President Johnson, have satisfied me that too much reliance is not to be placed upon mere paper edicts which we style platforms. Measures, not men, was once the doctrine, but my doctrine now is: both men and measures. A good platform in the hands of bad men is of not much avail. With men of the unquestioned integrity, wise statesmanship, and lofty patriotism of Grant and Colfax, we can trust the helm of the ship of State, and feel secure that no narrow creeds, but the good of the people and the prosperity of the Republic, will be the pillars of fire to lead and guide them in the administration of the Government.

I consider myself fortunate in being able to sustain the view of the case I have taken, by the strong authority of Mr. Madison, as set forth in the Debates of the Virginia Convention, page 261:

"With respect to the other point it was thought that the regulation of time, place, and manner of electing the Representatives should be uniform throughout the continent. Some States might regulate the elections on the principles of equality, and others might regulate them otherwise. *The diversity would be obviously unjust.* Elections are regulated unequally now in some of the States, particularly in South Carolina, with respect to Charleston which is represented by thirty members. Should the people of any State by any means be deprived of the right of suffrage it was proper that it should be remedied by the General Government. It was found impossible to fix the time, place, and manner of the election of Representatives in the Constitution. It was found necessary to leave the regulation of these in the first place to the State governments, as being best acquainted with the situation of the people, subject to the control of the General Government, in order to enable it to produce uniformity and prevent its own dissolution. And considering the State government and General Government as different bodies, acting in different and independent capacities, it was thought the particular regulations should be submitted to the former and the general regulations to the latter. Were they exclusively under the control of the State governments, the General Government might easily be dissolved. But if they be regulated properly by the State Legislatures, the congressional control will very probably never be exercised."

I add to these the declarations of Alexander Hamilton, set forth in the following extract from the Federalist, paper No. 69:

"It will, I presume, be as readily conceded, that there were only three ways in which this power could have been reasonably organized; that it must either have been lodged wholly in the national Legislature, or wholly in the State Legislatures, or primarily in the latter, and ultimately in the former. The last mode has with reason been preferred by the convention. They have submitted the regulation of elections for the Federal Government in the first instance, to the local administrations; which in ordinary cases, and where no improper views prevail, may be both more convenient and more satisfactory; but they have reserved to the national authority a right to interfere, whenever extraordinary circumstances might render that interposition necessary to its safety.

"Nothing can be more evident than that an exclusive power of regulating elections for the national Government, in the hands of the State Legislatures, would leave the existence of the Union entirely at their mercy. They could at any moment annihilate it by neglecting to provide for the choice of persons to administer its affairs. It is to little purpose to say, that a neglect or omission of this kind would not be likely to take place. The constitutional impossibility of the thing, without an equivalent for

the risk, is an unanswerable objection. Nor has any satisfactory reason been yet assigned for incurring that risk. The extravagant surmises of a distempered jealousy can never be dignified with that character. If we are in humor to presume abuses of power, it is as fair to presume them on the part of the State governments as on the part of the General Government. And as it is more consonant to the rules of a just theory to intrust the Union with the care of its own existence, than to transfer that care to any other hands; if abuses of power are to be hazarded on the one side or on the other, it is more rational to hazard them where the power would naturally be placed, than where it would unnaturally be placed."

I shall embody in my speech, the positions assumed by Senators on this floor. For instance, I refer to the position which was taken by the Senator from Indiana, [Mr. MORTON,] who said a day or two since:

"I contend that every State has the right to regulate the question of suffrage and to amend her constitution in any particular from time to time, so that it does not cease to be republican in its character."

"Mr. EDMUNDS. Who is to judge of that?"

"Mr. MORTON. I suppose that is a question to be judged of by Congress."

Suppose the State fails to establish a government republican in its character, what then? Who is to judge whether it is republican or anti-republican? "I suppose," said he, "that is a question to be judged of by Congress." My colleague, [Mr. TRUMBULL,] while he asserts the exclusive power in the States over the suffrage question, still admits enough for the purposes of this argument:

"Sufficient unto the day is the evil thereof." When the times comes that any of the States of this Union so change their constitutions as to set up something different from a republican government, the Government of the United States may interfere."

He and I may differ as to what may be a republican form of government, but that he commits himself to the power of Congress to intervene, in case the State government is not republican, is, I think, to be inferred from his speech.

He says further:

"I am not prepared to say what steps should be taken in case the State of Nebraska should hereafter change its constitution, and in that change adopt a different rule in regard to suffrage from that which was recognized at the time the State was admitted. Perhaps we could find some way to compel the State of Nebraska to allow the same persons to vote that it agreed it would allow to vote when it was admitted into the Union; but we should have to find that way out then; we cannot provide for it now."

He acknowledges that perhaps there is power somewhere, in cases of failure on the part of the State to comply with the condition, and I assert, you cannot trace it to any source except Congress. The remarks of other Senators go to show that they admit that this revisory power is in Congress. I read from the same debate, the views taken by the Senator from Nevada [Mr. STEWART] and the Senator from New York, [Mr. CONKLING:]

"Mr. STEWART. We do not pretend to determine at what point Congress should interfere under the authority of the guarantee clause. That will be for a future Congress when the question comes up. That there are times when it should interfere the Senator from New York now admits."

"Mr. CONKLING. Certainly.

"Mr. STEWART. Every man who reads the Constitution must admit that there may be times when the Congress should interfere upon the question of suffrage."

Now, sir, here these Senators, who have asserted that the exclusive power over suffrage is in the States, admit away their whole case. They admit fully the power of Congress to revise the action of the States upon the suffrage question. The right to exercise the power is clearly admitted. Whether it shall exercise the power to pass all laws which are necessary and proper to carry into execution this clause of guaranty, depends upon whether the State government is a republican form of government. That is the question.

On the 22d day of January, 1866, I introduced a bill into the Senate of the United States, and defended it in a speech of considerable length, in which I took the position that Congress had this revisory power, and that wherever a State had an anti-republican government, it was the duty of Congress to interfere and make it a republican form of government; and I am glad to be supported in that view now, by such distinguished authorities as the Senators whose remarks I have quoted. If that bill had then become a law, by this time, no vestige of this question would be left to disturb the harmony of the nation.

I quote from the speech of the Senator from Massachusetts [Mr. SUMNER] March 7, 1866, which will show that I was in advance even of him for congressional legislation for suffrage in the South as well as the North:

"Something has been said of the form in which the proposition has been presented. There is the bill of the Senator from Illinois, [Mr. YATES,] which he has maintained in a speech of singular originality and power, that has not been answered, and I do not hesitate to say cannot be answered. By this bill it is provided that all citizens in any State or Territory shall be protected in the full and equal enjoyment and exercise of their civil and political rights, including the right of suffrage."

* * * * *

"Not doubting the power of Congress to carry out this principle everywhere within the jurisdiction of the United States, I content myself for the present by asserting it only in the lapsed States lately in rebellion, where the twofold duty to guaranty a republican government and to enforce the abolition of slavery is beyond question. To that extent I now urge it."

Now, I come to consider the clauses of the Constitution affecting the question of the power of Congress, or the States, over the question of suffrage. My friend from Kentucky [Mr. DAVIS] thinks that the whole gospel of the Constitution is contained in chapter ten of the amendments, which provides that—

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people."

Unfortunately for his position, this power to guaranty republican governments is "delegated to the United States," and the Constitution says, that wherever a power is vested by the Constitution, in the Government of the Uni-

ted States, Congress shall execute that power.

I quote the clause: *

"ART. I. Certain powers have been enumerated, these words follow in section eight: 'To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.'"

Thus it is seen, that it is for Congress to carry into effect the various powers vested in the Government of the United States. How is Congress to do this? By all laws necessary and proper to that end.

The thing is very plain. We see that the same clause which authorizes Congress to pass all laws necessary and proper to carry the enumerated powers into effect, says, that Congress shall have power to pass all necessary and proper laws to carry into effect "all other powers" vested by the Constitution in the Government of the United States.

I say, then, that it is the duty of Congress, to do what I propose: by a necessary and proper law, to guaranty to every State in the Union, a republican form of government. Article four, section four, of the Constitution is as follows:

"The United States shall guaranty to every State in the Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature or of the Executive (when the Legislature cannot be convened) against domestic violence."

A guarantor is one who undertakes to do a thing, which another has undertaken to do, provided that other fails. Now, suppose South Carolina, or any other State, should in its constitution insert the word "black" before the word "inhabitants," so as to provide that "all black inhabitants shall be electors," would Congress intervene? Would Congress, having the power to guaranty republican forms of government, sit still, and see white citizens excluded from the suffrage by the constitution of South Carolina? Does any Senator dare to answer categorically "Yes" to that proposition? I should like to see the Senator who is bold enough to answer it in that way. Kentucky says that her electors shall be all white inhabitants, and she excludes every other than the white race. Maryland does the same thing, and Illinois does the same thing. Will you intervene, will you exercise the power conferred on you by the Constitution, or will you bow ignobly to the prejudice of caste and race? Will you decline to intervene where black people are excluded, and intervene where white people are excluded?

Mr. President, if we had expended the time to find out power in the Constitution, for Congress to confer upon men their rights, and to establish and preserve a republican form of government, if we had examined the Constitution closely and critically with a view to find out this power, instead of trying to find that Congress has not the power to guaranty a republican form of government, by securing to all men their rights, we should have been

more successful. For instance, take section two of article one. This is the groundwork of the claim of exclusive State jurisdiction over the question of suffrage. It is as follows:

"The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature."

If the States have exclusive power over this question they get it from that section of the Constitution. How do they get it from this section? According to the construction of the Senator from Wisconsin [Mr. DOOLITTLE] they get it by implication, in this way: it provides that the Legislatures shall be chosen by the people of the State, and these same people who choose members of the Legislature, are made the electors of Representatives in Congress. Is there any more implication in favor of the exercise of the power in this clause by the Legislatures of the States, than there is implication in favor of the exercise of the power by Congress itself? It may be said to me, "Surely you would not contend that Congress should declare who shall elect members of the State Legislature." I would not; I would not think that very appropriate; I would not think it was doing the thing in the right way exactly. But is it more appropriate, that the Legislature shall decide who are to vote for members of the Legislature, than that Congress should say who are to vote for members of Congress? With much propriety can I say, that Congress shall define the rights and qualifications of the citizens of the United States, for the sake of uniformity in citizenship, and as a matter of self-national preservation, and not leave the question, who shall be citizens of the United States to thirty-six different States, and have as many different standards of citizenship as there are States in the Union. But, sir, I waive this view of the case, because the uniform construction has been that the question belonged to the States in the first instance, and I do not propose now, to question that construction.

But this section of the Constitution says that the House of Representatives shall be composed of members "chosen every second year." By whom? "By the people." Suppose that any State constitution says that a part of the people shall not be embraced in choosing Representatives; suppose it excludes any particular class: is not that State in conflict with this provision of this Constitution, because all the people are not represented, and are not consulted in choosing their Representatives? There can be no mistake upon this point. Members of the Legislature, and members of Congress are to be chosen "by the people." The "people" in each case are to be the electors; and those who vote for members of Congress, are to have the same qualifications as the electors of the most numerous branch of the State Legislature.

Most clearly, if the Constitution of a State, or the laws of a Legislature, so fix the qualifications of voters as to exclude any portion of the people on the ground of race or color, it is in conflict with this clause of the Constitution, which provides that the people, not a part of the people, not half of the people, not white people, or black people, but all the people, shall be represented in the choice of their representatives, State and national.

I think I have shown, that all Senators on this side of the Chamber admit that Congress has a right to pass all laws necessary and proper to guaranty to a State a republican form of government, provided the States adopt constitutions which are not republican forms of government.

Then, sir, the issue is clearly narrowed down to the question, What is a republican government? Whenever it can be shown that States have violated this great fundamental idea, it is clearly the duty of Congress to intervene.

My colleague [Mr. TRUMBULL] says, in a letter, published in *The Advance*, a newspaper in Chicago, that "a republican form of government does not depend upon the numbers of the people who participate in the primary elections for members of Congress." It is true, that it does not exclusively depend on the numbers of people who vote. Minors may be excluded; other persons may be excluded on account of certain disabilities. But while a republican government does not depend on the numbers who constitute the body politic, it does depend largely on the question, whether any large portion of the people are excluded from the benefit of suffrage, on the ground of race, color, or previous condition. Let me put a case to test the question. Suppose that in carrying out the provision of the second section of the first article of the Constitution, the constitution of some State should say, that Germans should not participate in the choice of members of the Legislature and Representatives in Congress; would that be a republican form of government? Suppose that Illinois, where we have a large mass of Germans, a most intelligent, industrious, and thrifty population, who constitute a large portion of the Republican strength in that State, and who are almost universally the friends of freedom, loyal to the Government, and gallant defenders of the flag; suppose that the constitution of the State of Illinois should be altered so as to say, that the people who are to choose members of Congress and members of the State Legislature should not include any person of German birth, would it not be anti-republican in form? Does any man dare to say that it would not be the duty of Congress to intervene to restore to those Germans their rights, to declare the constitution of the State, so far as it excluded this large class of our fellow citizens, to be not republican in its features? Suppose that the people of Utah should exclude from the polls everybody but Mormons, followers

of their faith; suppose that Connecticut should exclude everybody except Congregationalists; or Maryland everybody except Catholics, would it not be our duty to intervene, and make those governments republican in form? And yet, when it is proposed to enfranchise the negro, we bow to the prejudice of caste, and say that a State government is republican in form, whether it excludes the colored man or not.

If I am asked whether there must not be some limitations, I reply, yes; but not total exclusion; there may be temporary disabilities, of age, residence, and other disabilities; but the difference between making temporary provisions as to a class, and the total exclusion of a whole race of our fellow-citizens, is very apparent.

Mr. CONKLING. By permission of the Senator I beg to ask him a question. He says that fixing qualifications as to residence and age is within the power of the States, as I understand him. I beg to inquire whether, if the State of Illinois should say that voting should be confined to persons upward of forty-five years of age, and who had resided in the State of Illinois at least twenty-five years, such a provision as that would be republican, in his judgment?

Mr. YATES. Exclusions from suffrage for a time, and which apply to all men alike, are allowable. If all men are excluded, men of all races, until they are of suitable age, from voting, I do not see anything which would conflict with its being a republican form of government. Equality is the basis of a republican government. The Senator seems to forget the idea which enters into the definition of a truly republican government. He was very sound yesterday, or some other Senator was very sound in my view, when he said, it did not depend on Congress to say what sort of statutes of limitation a State should have as to the payment of debts, applicable to all citizens alike, but Congress shall guaranty to every State a republican form of government; and the test whether a government is republican, depends upon whether it grants to all citizens alike the same privileges, and imposes upon all citizens the same disabilities and duties. To define the length of residence necessary to enable a man to vote, to say what his age shall be, is one thing; and to say that he shall not vote at all because he is black or white, is an entirely different thing. In the latter case, color is made the disqualification, just as race would be if Germans were excluded from the ballot-box. The State may preserve a right; it may fix the qualifications; it may impose certain restrictions so as to have that right preserved in the best form to the people; but it is not legitimately in the power of the State, it is not in the power of the Congress of the United States, it is not in any earthly power to destroy a man's equal rights to his property, to his franchise, to his suffrage, or to the right to aspire to office—I mean according to the true

theory of a republican government. That is the one thing, that in this country, the Government cannot do.

The Senator from New York [Mr. CONKLING] will remember, that if a State constitution should do so unwise a thing as to debar from the polls all men till forty-five years of age, there is a question behind that. Who made the constitution? Were all men, of all races and colors permitted to vote on the question whether that limitation should be put on all alike? If he means that in the State of New York, where only a portion of the people can vote, that that portion of the people have a right to impose such a limitation on others who have no voice in making the limitation, then most clearly such a provision would be anti-republican. My answer to him is, that such a provision as he mentions, would establish an oligarchy, and therefore be unconstitutional, while a reasonable limitation as to age is not only proper, but absolutely necessary, and if made applicable to all men alike would be constitutional.

The Senator from New York will ask me, perhaps—I address myself to him simply because he sits before me—"Do you not consider Illinois a republican government? Do not you consider New York a republican government?" I answer that question by asking another: Does New York exclude from suffrage, among the people who are to choose members of the Legislature, any large class of its citizens? and then I leave him to answer whether a government that does that is republican.

Mr. President, I say to Senators that we must look at things as they are. The disabilities which heretofore existed against the black man have been removed. Even admitting the soundness of the hard ruling of the Dred Scott decision, what was it? That the black man was not a citizen because he belonged to a subject race, because a slave has no will, and therefore cannot vote, and hence is excluded from the body-politic. But now, that disability is removed; slavery is dead and will have no resurrection; the genius of civilization touched it, and it fell; the light of the nineteenth century blazed upon it, and it faded away. By the thirteenth amendment of the Constitution, slavery was abolished throughout the land, and Congress was required "by appropriate legislation" to enforce emancipation. By this emancipation, the disabilities which attached to the colored race are removed, and the colored man stands before the country and the world a freeman and a citizen; emancipated into the sovereignty, one of the people, one of the body-politic, and is entitled to the same rights and privileges that any other citizen, of whatever color, may enjoy.

I admit, sir, in the language of the Chicago platform, if you choose, that in the first instance, the right of suffrage belongs properly to the States to regulate for themselves; but it is subject to the Constitution of the United

States, to the Constitution as it is amended; and especially to that particular clause in the Constitution which says, that Congress shall guaranty to every State in this Union, a republican form of government.

Now, let me repeat the question: What is a republican form of government? Mr. Madison, in the forty-second number of the *Federalist*, says: "The definition of the right of suffrage is very justly regarded as a fundamental article of republican government," and he speaks at length on that subject. I only read enough to show that the question, who shall vote, is of the essence of a republican government, and enters into the definition of what is to be considered a republican form of government.

Mr. Madison further says in the *Federalist*, No. 57:

"Let me now ask, what circumstance there is in the constitution of the House of Representatives that violates the principles of republican government, or favors the elevation of the few on the ruins of the many? Let me ask, whether every circumstance is not, on the contrary, strictly conformable to these principles; and scrupulously impartial to the rights and pretensions of every class and description of citizens? Who are to be the electors of the Federal Representatives? Not the rich, more than the poor; not the learned, more than the ignorant; not the haughty heirs of distinguished names, more than the humble sons of obscurity and unpropitious fortune. The electors are to be the great body of the people of the United States. They are to be the same who exercise the right in every State of electing the correspondent branch of the Legislature of the State."

Now, what I say emphatically, and what the people of this country will indorse, is, that in the light of the Declaration of American Independence, in the light of the Constitution of the United States as amended, any State government which excludes one large class of citizens from suffrage is not a republican government. It must embrace the representation of the great body of the people without distinction of race or color. I maintain that proposition, and I say that no Senator can maintain the reverse. I say emphatically, that the equal right of every man to vote and to aspire to office is essential to republican government, and if he is deprived of that right, the government which deprives him of it is not republican.

Sir, in its spirit and in its letter, and in substance, the adverse plea is bad. The very essence, marrow, and life of a republican government, the very basis of republican government, is equality of all its citizens. The question whether any class of citizens can be excluded from the right of suffrage, is a vital and a fundamental question. It is the only question to be decided in this argument. It is subterranean, it runs under the very foundation corners of republican government, and if you acknowledge the right to thus exclude any class of citizens, you loosen the earth around and beneath the corner-stones and the structure will fall. Whenever a Government attempts to exclude any large class of its citizens from the rights which it gives to other citizens, it ceases

to be republican. Such exclusion stamps it with the brand of an oligarchy as indelibly as did the spot of blood on the hand of Lady Macbeth stamp her as a murderess.

And the argument that Illinois or New York or Ohio is a republican form of government, if it excludes any large class of citizens on account of race, color, or previous condition, if we are to judge it according to the foundation theories of our governmental system, is not worthy of a child ten years old.

The Republican masses of the country understand it, and last year the Republicans of Ohio tried to make their government republican, to make it conform to the Constitution of the United States, by conferring the elective franchise upon all her people without regard to race, color, or previous condition.

I am not asking what is an approximation to a republican form of government; I am not inquiring whether Illinois is not more republican than some Government in Europe or than some other State. I am not trying to decide that question; but I am trying to decide the only issue that is before the American people, and that is presented by the Constitution of the United States, namely, whether any Government which excludes a citizen from his rights, except for mere temporary disability, such as age, or residence, or crime, is a republican form of government. Why, sir, a man's right to vote is as sacred as any other right that he has. To rob a man of that right is as wicked as the law of slavery, which robs him of his wife, or child, or of himself.

What is the theory upon which the Government of the United States was built? What was the cause of the Revolution? For what did our fathers fight, but the principle that taxation and representation must go together, and that all just government must be founded upon the consent of the governed, not a part of the governed, not half of the governed, not an oligarchy, but upon the consent of *all* the people? A majority of all the people of the United States are to decide those questions by which the rights of all are protected, the will of all is represented, and the Government itself is maintained and preserved. Go back to revolutionary days; go back to the door-steps of those little meetings of our fathers, as they stood up with wounds yet bleeding, fresh from the Revolution, and with the blood and sweat of battle running down their furrowed cheeks; listen to their discussions, and what do you hear? Their only remonstrance against the mother country was her asserted right to tax the Colonies without their consent. This was the initial cause of the Revolution. It was for this that the blood of our fathers consecrated the battle-fields of the Revolution; it was for this that John Hancock and James Otis spoke; it was for this that Warren fell—a denial of the right of Government to tax the people without their consent.

This power in Congress to guaranty a republican form of government to the States is a mighty and a vital power. It is the wisest power in the Constitution. It is the only power by which the national Government can preserve its nationality, by which it can secure equal representation, by which it can put the States upon an equality. It is the doctrine that was designed to protect the States in their rights in the true sense of "State rights," so that all the States should be upon an equal footing, and the citizens of each State should enjoy all their rights in every State of the Union. As the Senator from Massachusetts well said in one of his speeches, "this guarantee clause has been a sleeping giant but recently awakened during the war, and now comes forth with a giant's power."

Sir, what is the duty of the Republican party? What position should the Republican party take? Will they stand back appalled by the statement that the question is settled? Will they join the State-rights party upon the other side of the House, and in the South, and say that Congress has not the means for its own preservation in its hands, and assert the doctrine of State rights, by which the leaders of the rebellion are to control the legislation and the destinies of this country?

Mr. President, I wish to say to Senators and Representatives, and to all of the Republican party, that we have to meet this question of suffrage. It must be met. It confronts us in the next elections. It confronts us in the new relations of five million people set free. It confronts us in the imperious demand made by the emancipated race for enfranchisement. We cannot ignore the question. Burying your head in the sand will not obscure you from the keen gaze of the pursuer. Your opponents will meet you upon every stump, and ask you whether you are for universal manhood suffrage. It cannot be dodged. No question of finance, or banks, or currency, or tariffs, can obscure this mighty moral question of the age. No glare of military glory, not even the mighty name of General Grant, can stifle the determination of the people to finally consummate the great end and aim for which the Republican party was brought into being. We are to be for or against suffrage. If we are for it, how many States shall we lose? I mean as a State question. How many will there be like Ohio, bowing to the prejudice of color and caste and afraid to proclaim their honest sentiments? How many States shall we lose if we are for it? If we ignore it, if we give the lie to the whole record of our lives and evade it, try to dodge it, then, I think I can speak for Illinois alone, we shall be beaten by fifty thousand majority upon a vote taken in that State.

How, then, do I propose to settle this whole question? The States have in the first instance acted upon it; they have established governments which are not republican in so far as they exclude portions of the people from the

ballot-box, and I would by a bill not ten lines in length declare that no State shall in its constitution or laws, make any distinction in the qualifications of electors, on the ground of color, caste, or race, and that all the provisions of any constitution, or law of any State, which exclude persons from the elective franchise on the ground aforesaid, shall be null and void.

Such a law would be constitutional and just to every section, just to all the people; and the people instead of opposing it, would hail it with joy and gladness. They would pronounce it the wisest act that the Congress of the United States had ever performed, because it would remove this bone of contention from the arena of State politics; it would forever settle this disturbing question; it would make citizenship uniform in every State of the Union. And if we would exercise our power "by laws necessary and proper" to pass such a bill as this, the effect would be salutary, and would result in the final and certain triumph of the Republican party. I know, sir, what timidity suggests to the minds of Senators, but a bold, honest, straightforward course would set this country right upon this question, and we should gloriously triumph in every election.

Shall the party which has come up through great tribulation, has faced all these questions, the abolition of the slave traffic in the District of Columbia, the abolition of slavery in the District, the fugitive slave law, the emancipation of the slaves, the employment of colored troops, the establishment of negro suffrage in the District of Columbia and in the rebel States, shall the party now hesitate before it takes the last final step of a full, complete, and glorious triumph?

Sir, the people do not understand that argument which says that Congress may confer upon a man his civil rights and not his political rights. It is the pleading of a lawyer; it is too narrow for statesmanship. They do not understand why a man should have the right to hold property, to bring suits, to testify in courts of justice, and not have the right to a voice in the selection of the rulers by whom he is to be governed, and in making the laws by which he is to be bound. Shall he have civil rights without the power of protecting himself in the enjoyment of them? What is liberty, what is emancipation without enfranchisement? What is the abolition of slavery, unless you employ the power conferred upon you by the Constitution, as amended, "to enforce by appropriate legislation" the rights of the emancipated slave? Shall this party which has been the champion of the equality of all men, which has proclaimed it upon the housetops everywhere throughout the land, now shrink from asserting practically the equal rights of all men of this race? Shall we draw Mason and Dixon's line between the right to vote in the North and in the South? Shall we impose on the South, the votes of four or five million ignorant people just released from

slavery, and refuse it to the more enlightened and intelligent colored men of the North, who are much fewer in number? Is that the position of the great Republican party? Will it hesitate to exercise a power clearly vested in Congress by the Constitution of the United States, and to confer the same rights upon all the people, in every section, North as well as South, East as well as West? Will you by doing injustice—yes, sir, absolute injustice—to the free colored men of the North, lose their votes in the coming presidential election, and in the States where the balance of power would be in their hands?

You know well that the argument was used with wonderful effect in Ohio, that argument which lost us our valued Senator, [Mr. WADE;] that while we, the great Republican party, could impose equal suffrage on the southern people, we were not willing to impose it upon ourselves; that while we could do justice to the loyal millions of ignorant black men in the South we could not do justice to the loyal thousands of intelligent black men in the North. I refer to this because to this issue we are forced, and we might as well face it at once. The power is with us. We have exercised the power in the southern States. We have the same power in the northern States, and every consideration of justice, expediency, and success demands the prompt exercise of the power.

I know it is asked, Why not have the Constitution amended? I ask, why have it amended? When the Constitution says, that we shall by necessary and proper laws, carry into effect this provision of the Constitution, when we have the power by law to do it already, why have a constitutional amendment? We have not time—we cannot wait for an amendment to the Constitution. How long would it be before Kentucky would consent, by agreeing to ratify such a constitutional amendment, to give enfranchisement to her colored population? At least fifty years; and so of Maryland, and of many northern States. A constitutional amendment will not accomplish the object. By waiting for that we shall commit the same mistake that we committed when we did not, at the end of the war, declare all the slave States, except Missouri, disloyal, and act for them all as disloyal States. Such a constitutional amendment would, perhaps, never be adopted. I say there is no necessity for amending your Constitution in this way. Use the power; you have it. Read your Constitution; understand it; you need not amend it; but exercise the power it clearly confers.

It is said that such a law would be subject to repeal if Congress were to pass it. That is true; but then I have the authority of my colleague, and I have the authority of the Senator from Ohio, [Mr. SHERMAN,] for saying that such a law would not be repealed. The Senator from Ohio [Mr. SHERMAN] said the other day, that when these rights are once conferred, they

will never be given back. My colleague said, and truly said, that when these men once get these rights, they will never give them up, and as the Senator from Ohio well said, the tendency of all legislation of this day, is in favor of the extension of the right of suffrage.

Mr. President, it is "the era of good feeling" we want, such as existed in Monroe's administration, when all questions were settled, when all the States were in harmony each with the other. This question settled we will have an "era of good feeling," States all the same in their rights, individuals having the same rights, no sectional jealousies, this disturbance removed from politics entirely. There is no way under the sun by which it can be done, but for Congress to exercise its just and constitutional powers by a law for that purpose, and not throw the question into the caldron of State politics, a bone of contention, there to divide the people, it may be for fifty years to come. Rather let us, by one sublime act of nationality, broad as the clause of the constitution abolishing slavery, confer these rights upon every citizen in every State of the Union.

The Republican party cannot stand still. If it stands still, or recedes, it dies. It must move forward. When we set five million people free they had to be taken care of. They had to be made citizens. But are they taken care of, when we deprive them of the rights which belong to other citizens? Will the Republican party fail to take this last final step in this mighty onward movement of human progress? Sir, suppose the almighty Architect of the Universe, after he had created the heavens and the earth, the sun and the moon and the stars, on the sixth day, had ceased his work, and not created man and breathed into him the breath of an immortal soul. So would it now be, if the Republican party, after vindicating the beautiful and beneficent system of government designed by the genius of our revolutionary sires, should fail to consummate the last great act, and admit to equal enjoyment with themselves, the immortal millions, who for two hundred years have sighed and suffered under our rule.

I know, sir, that the other party say that the Republican party are attempting to establish the supremacy of negro rule. I wish to say in regard to that, simply that with no decent regard to truth can any man say that the Republican party propose to establish the supremacy of negro rule. You cannot point me to the declaration of a Senator, or of a politician, or of a newspaper of the Republican party, that says the Republican party is proposing to establish the dominion of negroes over the country. No, sir; that is not the doctrine of the Republican party. The doctrine of the Republican party is the equality of all men, and the supremacy and rule of all men. I might, with much more propriety, say that the Senator from Wisconsin [Mr. DOOLITTLE] is trying to establish rebel rule in this

country than he can say the Republican party is trying to establish negro rule, because, he is willing to enfranchise the leaders of the rebellion, the men who organized civil war, the men whose hands are red with the blood of our country's defenders, and whose lips are fresh with perjury; when he is willing to take them into the high places of the Government, to allow them to resume their former positions of power and sway, I may truly say that he is in favor of rebel rule, but I deny that it can be said that any Republican Senator has ever declared anywhere, that he was in favor of negro rule.

Now, Mr. President, the cry of negro equality is equally senseless and groundless. Statesmanship, nor constitutions, nor laws, nothing can make all men equal in fact. From what a lofty, shining light would Frederick Douglass have to fall, to reach the low level of Andrew Johnson? Far as the angels fell.

"Hurled headlong flaming from the ethereal sky,"

* * * * *

"Nine times the space that measures day and night
To mortal men."

Statesmanship, however, can confer upon men the same chances in life, the same protection, the same laws, the same privileges, the same rights of every kind.

The fact that one race is superior to another is no warrant for its having superior advantages; on the other hand, if there is any advantage, it should rather be in favor of protection to the meek, the humble, and the lowly. I believe, myself, that the pure American Anglo-Saxon man is the highest style in all God's created humanity, and therefore I believe he can fight his way through, without having an advantage by law over his poor colored neighbor and fellow-citizen, and that he is not in danger of being subjected to that negro rule and supremacy, of which so much is said.

It is contended by the Senator from New Hampshire [Mr. PATTERSON] that there should be a qualification, that only those who can read and write should vote. I reply to this, that we ourselves, by our own action, have conferred suffrage upon those who cannot read and write. Providence overruled us in this regard. In order to have loyal States in the South, we were compelled to confer suffrage upon those who could not read and write. On the other hand, there are thousands of white men in the State of Kentucky, and in the State of Illinois, and in every other State, who cannot read and write, and yet who make good citizens. We cannot, by any principle of equality, confer suffrage upon any favorite class, either of intelligence, wealth, birth, or fortune. There is this advantage in universal suffrage: that the masses, though ignorant, are honest, and they are a check upon the intelligent oligarchy, to whom, I am sorry to say, have been traced mistakes and corruption upon many and many a bloody page of history in all times past.

The true theory is to trust the Government

of the American people as our fathers made it, to the consent of the governed, founded upon the rights of all the people, to the strong common sense of all the people. There is more virtue and more intelligence in all the people, than there is in a part of the people. All the people, all the virtuous people, all the wise people, all the ignorant people, must be consulted. We must trust that one force will counterpoise the other in the future, as it has done in the past.

The Senator from Massachusetts [Mr. SUMNER] is a very learned man; but I would not be willing to trust the legislation of this country in the hands of a hundred men like him. Professor Agassiz is a very classic man. We live with Longfellow in his poetry. Henry Ward Beecher and Theodore Tilton are men of rare genius, sparkling wit, and surpassing eloquence; and yet I would not trust the government of this people in the hands of such men alone. I take it that the banker knows more about finances than the Senator from Michigan [Mr. HOWARD] does, because his pursuits are different; the merchant knows more about barter and trade, and the poor man knows the wants of poverty, and the wants of the people, better than the rich or the intelligent. Jeff. Davis is an educated man—educated at the expense of that Government at whose throat he made an infernal leap. Robert Toombs is an educated man. I would rather trust the government of the people of the United States to the hands of all the people, to the hands of the humblest laborer who was loyal, and who had an honest heart, who was devoted to his country, than to any oligarchy or favored few.

Sir, it is the ballot which is to be the great educator. The fact that men have an interest in the Government, that they have the right to vote and hold office, is an incentive to them to inform themselves. This is the reason why education is more universally diffused in the United States than in any other country. This is the reason why we have schools and colleges everywhere in our midst. They are the offspring of the molding influences of our free institutions. They are born of the ballot.

Much has been said about the results of the recent elections. Mr. President, if the Republican party will stand to its guns, will stand upon the platform which in its past record it has made for itself, will stand by the sequences of its own teachings, I have no fears for the result. As for myself, sir, as I did three years ago, so now I "accept the situation." I nail the colors of universal suffrage to the masthead; and I am for it by act of Congress, guarantying a republican government to every State in the Union, East as well as West, North as well as South.

I do not propose to arraign the Democratic party. I will only say this: they have been the consistent opponents of the war from the start. The rebellion could not have stood on its legs a single year without its aid and cooperation.

The Democratic party, as an organization, has been part and parcel, yea, the very heart and life of the rebellion itself. It has furnished it its leaders, its aid and sympathies. In their conventions, in their platforms, in their presses, in Congress, in their Legislatures, they opposed every measure for a vigorous prosecution of the war. Sir, I well remember when in the western States, in 1862 and 1863, the Democratic Legislatures were nothing more nor less than rebel camps in the capitals of those States in which they met. They passed resolutions denouncing the war, and threw every obstacle in our way, as ever since, they have persistently resisted every measure by Congress, for the speedy and proper reconstruction of the Union.

What patriot can ever forget the Democratic National Convention at Chicago of July 29, 1864, presided over by Horatio Seymour and engineered by Vallandigham, when the whole weight and power of the Democratic party were thrown in favor of the enemies of the country? It was at that fearful crisis in the history of the country, when the scales hung even, when Sherman and our brave boys in blue were moving on through Dalton, over Lookout mountain, and Mission Ridge, and from Atlanta to the sea, amid shot and shell, and the war and thunder of battle; when Sheridan was sweeping along the valley of the Shenandoah, and when Grant was struggling in that hand-to-hand fight through the Wilderness; when our losses were counted by thousands; when the question of English intervention hung doubtful in the scales; when the good Lincoln, through the weary watches of the night, with long strides nervously paced his executive chamber awaiting, tremblingly, dispatches from the Army. It was while events like these were transpiring that the Democratic National Convention in Chicago, representing the party in every State of the Union, passed, amid heaven-rending huzzas, with all the forms of parliamentary solemnity, that resolution, forever black with the imperishable stain of treason, that the war, after four years of fighting, was a failure, and that the public welfare demanded an immediate cessation of hostilities.

That party even now charge it as the great crime of the Republican party, that it disfranchises the leading rebels. They proclaim that those States which made war upon the Government, and set up governments in direct antagonism to our own, are lawful States in the Union, having the right all the time during the war, and now, to send their Senators and Representatives unquestioned, to take their seats in the Congress of the United States.

And, sir, to the great shame of the Democratic party, while they would receive with open arms into Congress, the leaders of that party which organized the rebellion, brought on the war, filled the land with mourning and desolation, and by plunder and piracy, by arson and murder, by perjury and by poison,

by the slow tortures of starvation, and by every savage and infernal cruelty shocking in the sight of God and man; while they would bring them back, and introduce them to the high places of power, to resume their former influence in the Government, they descend to the unworthy work of belittling the loyal blacks, and unblushingly advocate the disfranchisement of those men of another race who guided and cheered our boys in blue, and won their title to the nation's gratitude by deeds of imperishable valor.

If I had time I could turn to the brighter record of the Republican party, show its record bright with the country saved from the hands of the spoiler, and the banner of the Union planted upon every battlement where traitor hands had put it down. But I refer to it only in one aspect, as it may bear upon the enfranchisement of the race it set free.

Deplorable as war was, it has had its compensations. Slavery is dead, and will know no resurrection; that most accursed chatteling of human beings, the auction-block, the tearing asunder of mother and child, the day of stripes and the lash, the revolver and the bowie-knife, are past. Dens and caverns, the pursuing bloodhounds, mountains climbed and rivers crossed and no escape from the Constitution and the laws—these have past. What a sublime result, that not a single slave clanks his chains upon one inch of American soil, and that the nations hail with shouts of joy the banner of universal emancipation! Thanks to God; thanks to the Anti-Slavery Society; thanks to Parker, Garrison, Henry Ward Beecher, Wendell Phillips, and all the pioneers in the anti-slavery cause; thanks to the Republican party and the Thirty-Ninth Congress; thanks to Grant and Sheridan and Sherman and our brave boys in blue everywhere; thanks to Abraham Lincoln for the proclamation of emancipation; thanks to all who labored, suffered, and achieved, who fought and who fell for this lifting up to light and liberty and citizenship five millions of God's long-oppressed and downtrodden poor; but thanks also to the poor freedman himself, for he, too, has borne himself most nobly. Of them it may be said, "Blessed are the meek, for they shall inherit the earth." How humbly have they walked, poor slaves and outcasts! no law for them, no home, no property, no name, no wife nor child he could call his own, no heritage but hopeless bondage—borne down for centuries by the iron heel of foul oppression, they never aspired to rule over us; they only asked to be hewers of wood and drawers of water, and for a place to lie down and die. Instead of insurrections and massacres of women and children, as we feared, no instance is on record of a single act of savage cruelty on their part during the war. It was said they were too cowardly to fight, and yet they fought more daringly than Napoleon's veterans, and threw themselves headlong on the battlements of the enemy and

into the mine of Petersburg, and into the breach at Port Hudson, and into the jaws of death everywhere, with an irrepressible ardor and lofty daring, equaled only by that of our own unmatched and dauntless boys in blue, fighting for a flag, which for two hundred years has been the ensign of liberty for all but them.

In all the long and fearful struggle of the war, not one of these sable millions ever proved faithless to the flag. Did one solitary one of them ever refuse to share his scanty loaf with the sick and wounded soldier? Who, when night spread its dark robes over the earth, led our worn and wearied soldier through bayous, swamps, and by-paths, and bid him God speed to his home, and the headquarters of our Army?

And now, after having secured our own safety and the life of the nation aided by his acts of valor, in common with those of our brave soldiers; if, after they have been called to be soldiers of the Army of the Union; if, after we have clothed them in the uniform of the United States Army; if, after they have flashed two hundred thousand bayonets in the face of Jeff. Davis and his traitor hordes; if now, we open the portals of the American ballot-box to bloody-handed traitors, and leave them to the tender mercies, and hostile legislation of their former owners, we shall commit the crime of history, and write upon the nation's name, in lines dark as night, and deep as hell, a stigma which all the ages cannot wash away.

Let no friend of the Republican party be discouraged through any temporary defeat. Let him remember, that despite occasional defeats, the true center of gravity in a republican Government like ours, is in that power which represents the theory of liberty on which the Government is based. Remember that the march of our republican army, has been through storms of persecution, iron walls of prejudice, and through defeat after defeat to final triumph. There are men here who remember the time, when to speak against slavery, was denounced as a crime against society. It was death for Lovejoy, imprisonment for Parker, and mob-law and lynch-law for the early pioneers in the cause of freedom. Any others might be atoned for, but, clad in iron mail, slavery was secure behind its impregnable bulwarks. Only in 1837, the blood of Elijah Lovejoy sprinkled the soil of my own State, while bravely defending his press against an infuriated mob. But from that blood men sprang, as Minerva from the head of Jupiter, full armed with buckler, lance, spear, and helmet of living truth, to fire the world against the accursed system of human bondage. Only in 1849, as a member of the Legislature of my own State, I introduced a resolution to abolish the slave traffic in the District of Columbia, and it was voted down by an overwhelming majority. I remember well the time when it was just as unpopular to advocate the abolition of the slave traffic in this District, where men were sold upon the auction block, and shook their chains in the face of the Cap-

itol, as it is now to advocate the passage of an act by Congress, where the States have failed to secure suffrage in every State in the Union. Twice has it been my pleasure to witness these colored men, in all the dignity of enfranchised manhood, march to the polls and rescue this capital from the long dominion of copperheads and a slave oligarchy. How long since statutes of the States were black with cruel legislation, expelling these colored men from the States, and subjecting them, for small or no offenses, to the penitentiary, jail, and the whipping-post? In my message of 1865 to the Legislature of Illinois, I called upon it to sweep them from the statute-book, with a swift, resistless hand, and they did it, leaving not a section to mar and darken the face of the revised statutes of that great State. You remember, that when in 1862, Mr. Lincoln issued that conditional proclamation of emancipation, the Democratic party rallied and carried almost every State. But we did not give up; defeat did not hurt. Like the bombardment of Fort Sumter, it roused the nation, and we gloriously triumphed in the re-election of Mr. Lincoln. And now, through all these defeats and triumphs we reach the final great consummation, the complexion to which it must come at last, the summing up of the whole matter, the simple freedom and equality of all men, the enfranchisement of all men made in the image of God, to a perfect and universal equality of rights.

And, sir, do you suppose we will falter before taking this last step. The true-hearted Republican is never deterred by election returns. He expects some defeats. He expects to triumph amid the storms of defeat, as well as in the sunshine of victory. I hail it, not as a defeat, but as a glorious harbinger of victory, that, notwithstanding the timidity of politicians in Ohio, two hundred and sixteen thousand freemen dashed away their prejudices, and voted for suffrage; not as a defeat, but as the herald, the John the Baptist, the "prepare-the-way" of speedy, glorious, and final victory.

The shortest way to reconstruction is the simplest, the plainest, the easiest; and the only way is the straightforward road to the impartial and equal rights of all men.

I believe in a special providence in the affairs of men as well as of nations. I believe, colonization, emigration, and the march of empire having completed the circle of the globe, that upon this North American continent, between the Atlantic and the Pacific, is to be "Time's noblest empire—the last." I believe that this is the chosen nation of Heaven, where the experiment of the self-government of man is to be made. I believe that light from Heaven blazed along the pathway of the Mayflower, and guided our fathers through the storms of revolutionary preparation to the Declaration of Independence. I believe that God meant that we should highly appreciate our privileges by making them cost dearly; I believe that He gave us slavery, with all of its accursed ugliness

and deformity, as the appalling contrast to the beauties and blessings of liberty. I believe that He thrust across our path the Ethiopian, that we might learn that all men, without regard to color or the accident of birth, are brothers, and that of one blood are all the people that dwell upon the face of the earth. I believe He gave us Lincoln as He had given us Washington—Lincoln so good, so grand, and so great—as an example for statesmanship, and that from his martyrdom should spring the seed of the church, the gospel of liberty, and human rights.

And, in a word, that in all these providences, sad experiences, fearful wars, prejudices of caste, virtues, and wickedness of rulers, "God moves in a mysterious way His wonders to perform," and is leading us through the red sea of trouble and the wilderness, to a bright Canaan

of national deliverance. Having solved the problem of the ages, the equality and brotherhood of the race of man, and vindicated his eternal justice, this nation will move forward in the van of material progress and Christian civilization, and scale height after height of power, glory, and grandeur, such as no people in the world has ever yet achieved.

Mr. President, I have not gone one solitary step further than I thought it was necessary for me to go for the best interests of my country. I do not antagonize the Republican platform. I leave the question of suffrage where the Constitution leaves it, with the States in the first instance, but I reserve the power to the Congress of the United States, contained in the Constitution of the United States, by laws necessary and proper, to see that every State has a republican form of government.

SPEECH

OF

SENATOR YATES

AT

SPRINGFIELD, ILLINOIS, AUGUST 22, 1868.

[From the State Journal.]

IMMENSE REPUBLICAN RALLY---GRAND RECEPTION OF HON.
RICHARD YATES---THE LOYAL MASSES IN COUNCIL---TAN-
NER CLUBS AND LINCOLN GUARDS---SPLENDID TORCH-
LIGHT PROCESSION---GLORIOUS NIGHT'S WORK---
THE DEMOCRACY DISMAYED.

The grand Republican rally in this city on Saturday evening last, the occasion being the reception of Hon. Richard Yates, Senator from this State in Congress, was a splendid success in all respects. Never since the great Lincoln demonstration in 1860, when thousands assembled here from all portions of the State, has so magnificent and enthusiastic a scene been witnessed in this city as that of Saturday evening. The immense crowd not only filed the entire street, from Washington to Adams streets, but extended on the west and east side of the State House square, and east on Washington street to a considerable distance. In addition to these, large numbers of persons assembled in the State House park, in the rear of the stand, while some ambitious individuals, who were determined to hear the speech of Illinois' honored son, ascended the trees in the park for that purpose. The scene was magnificent beyond description; the immense crowd of intelligent and loyal men—the long procession of tanners, in neat uniforms, with their flashing torches—the beautiful uniforms and shining arms of the Lincoln Guards—the waving banners and streamers, and the light of many transparencies, presented a picture surpassingly grand and beautiful beyond description, requiring the pencil of an artist to fully portray. So large was the crowd at the time the speaking commenced that probably not over one-third of the assembly was within the sound of the speaker's voice.

DELEGATES FROM ATLANTA, LINCOLN AND EMINENCE.

The regular train from Chicago, at four forty-five P. M., was crowded with the delegates from various places along the line of the road as far north as Atlanta. Upon this train came the Lincoln Guards, in their neat Zouave uniforms, commanded by Capt. Henry Sturges. The Atlanta Tanner Club, commanded by Capt. Hunt, and the Eminence Club, commanded by Capt. Applegate. These clubs also wore the Zouave uniform, and made a splendid appearance. The drill and military bearing of the Lincoln Guards showed them to be old veterans.

The delegations were met at the Chicago and Alton depot by a committee of the Young Men's Republican Club of this city, and escorted to the Chenery House, where quarters had been provided for them. After partaking of refreshments, the respective clubs were then waited upon by the Committee of Reception, consisting of Col. John Logan, Samuel Jones, Esq., General John Cook, Col. John M. Snyder, A. Orendorff, Esq., Col. Speed Butler, and James Gallaher, Esq., and the various Tanner Clubs of this city, and forming into line, marched to the depot of the Toledo, Wabash and Western Railroad, to await the arrival of Senator Yates and the delegation accompanying him from Jacksonville.

DELEGATION FROM JACKSONVILLE.

The train from Jacksonville hove in sight at about half-past seven o'clock, bearing Hon. Richard Yates and the Jacksonville Tanner Club, numbering about five hundred men, and a delegation of the citizens of about the same number. The appearance of the train was both novel and interesting. Five hundred torches gleaming from the car windows, as the train approached, was indeed a beautiful sight, such as was never before seen in this or any other city, and called forth the most uproarious applause from the immense concourse of people assembled at the depot and vicinity. On the appearance of Senator Yates upon the platform of the cars the cheering was tremendous. He was received by the Committee of Reception and the various Tanner Clubs.

A procession was then formed in the following order :

ORDER OF PROCESSION.

Butler's Band.
 Lincoln Guards.
 Senator Yates and Escort.
 Committee of Reception.
 Jacksonville Tanners.
 Atlanta Tanners.
 Eminence Tanners.
 Springfield Turn Verein Reform.
 Springfield First Ward Tanners.
 Second Ward Tanners.
 Third Ward Tanners.
 Fourth Ward Tanners.

The procession, with flaming torches, then marched to the sound of fine music to the Leland Hotel, where Senator Yates, the committee of reception and a number of invited guests stopped for refreshments. The long procession then filed past the hotel, each organization rending the air with lusty cheers for him they had assembled to honor. The procession then marched with military precision through the principal streets, performing a number of beautiful evolutions, which displayed the splendid appearance of the clubs to the best advantage. Everywhere along the line of march they were hailed with cheers by the spectators who crowded the sidewalks, while from window and balcony fair ladies cheered on the boys by the waving of handkerchiefs and graceful signs of approval. A number of residences were brilliantly illuminated, while numbers of parlors were thrown open in welcome to the city's honored guests. After parading for about an hour the procession marched to the speaker's stand, which had been erected in front of the Court House.

The appearance of the procession, which was one of the largest which has been seen in this city for many years, was magnificent beyond description and elicited the admiration of the thousands that witnessed the line of march. The evolutions of the procession of Tanners, performed under the Chief Marshalship of Col. W. I. Allen, commander of the regiment of Tanners of this city, were very fine, and highly creditable to the military and the various clubs. After going through the "Circle March," which displayed the various transparencies and banners to the best advantage, the procession halted in front of the stand, or as near as they could be formed in order.

At this stage of the proceedings Senator Yates and Gen. John M. Palmer appeared upon the speaker's stand and were received with cheer upon cheer. Never was a reception more enthusiastic than that extended to these distinguished individuals.

After the cheering had subsided, Colonel John Logan was appointed president, after which General John Cook, a member of the committee of reception, delivered the following reception address:

SPEECH OF GEN. COOK.

SENATOR YATES, I feel sensible of the honor conferred upon me this night in being permitted on behalf of the Young Men's Republican Club specially, and generally to the citizens of Sangamon county, to tender to you—Illinois' favorite son—a hearty welcome to our midst.

Your presence here revives afresh the pleasant memories of the past, and I do not flatter when I assure you that the name of Richard Yates—a household word, not only in the State of Illinois but in every loyal family of the nation—is as dear to us as your own warm and philanthropic heart could desire, and the loyal people of old Sangamon (for whom and in whose name this cordial greeting is tendered you) ever jealous of your good name and patriotic deeds, stand ready to-day, as in the past, to accord to you the meed of praise.

Being disinclined to take to myself the time that should be allotted to you on this occasion, alone prevents me from recurring to the successful, steady steps you have taken in a patriotic career towards the

goal of your laudable ambition, which has endeared you to the hearts not only of Illinoisans but of the whole nation, whose confidence and affection you this day enjoy.

Nevertheless, I cannot resist the temptation to allude to the bold and unflinching stand you took in opposition to those who would have smothered human liberty in its very cradle; and when all eyes were turned toward you as the champion of the great principles upon which this nation was destined to stand or fall, you did not hold them long in suspense, but at once became the leader of a party whose end and aim was to resist to the last extremity the aggressions of a slave-holding aristocracy which was straining every nerve to accomplish the destruction of our free institutions and to rob us of the last remnant of our precious and blood-bought liberties.

Your position at that time was by no means a popular one, but public opinion, under your plastic hand, and the irresistible power and matchless patriotism soon moulded itself to the wants and exigencies of the hour, and liberty, so long but a sounding brass and tinkling cymbal, became a grand reality.

We are here to welcome you to-night and congratulate you that so much of the aim of your ambition is accomplished.

We are proud of your name and fame (both at home and abroad) as a statesman and a philanthropist.

We welcome and honor you to-night for the faithful manner in which you have discharged the onerous duties that devolved upon you as the chief executive of this State during four years of rebellion, and although worried and annoyed by hostile legislation, sympathizing with treason, you yet found the means of saving the State from the vortex that threatened, and by your constancy and fidelity gave her a front rank among the loyal States of the Union, preserving to her and to the nation the principles of universal liberty. For this and much more we thank you.

The record of your public life, extending back through a period of more than a quarter of a century, embracing a time when it tried men's very souls, is fresh in the memory of all. Always true to the principles of the great party you have represented, with a heart overflowing with patriotism and philanthropy, your maintenance of the right and fearless condemnation of wrong, with no stain upon your fair escutcheon, has endeared you to the hearts of the people of the great State of Illinois, and I am assured that I speak the sentiments of the loyal inhabitants when I say that, next to our martyred President—the immortal Lincoln—you occupy a place in their affections.

Identified with that great and good man, whose fame extends throughout the civilized world, and whose memory will only cease when the last decade of years shall have been numbered, and time shall be no more. I say identified with him in the successful efforts of the government in the suppression of the wickedest—the most unjustifiable and diabolical rebellion ever known to the world, your name will shine with his on the immortal page.

We of Sangamon, yes of the whole State, are the custodians of his sacred ashes—an honored and holy trust. You are this day the custodian of the honor of the Commonwealth of Illinois. As in the

past so in the future—be vigilant and faithful, and fresh leaves will be added to the laurel wreath with which the loyal people of Illinois have adorned your manly brow, and which will remain fresh and green when your disembodied spirit shall have entered the blissful realms of eternity, and your mouldering ashes find a resting place in the silent tomb. Your name will live in the hearts of your countrymen, and generations yet to come will rise up and call you blessed.

At the conclusion of the address of welcome General Cook, formally presented Hon. Richard Yates to the vast assembly. His appearance was greeted with tremendous cheering which extended far down the line, until only faint echoes were heard from the extreme outside limits of the vast crowd.

The cheering having subsided, Senator Yates proceeded to deliver the following eloquent and able speech:

SPEECH OF SENATOR YATES.

FELLOW-CITIZENS:—The first question which is naturally and necessarily suggested by this occasion is: What is the meaning of this magnificent demonstration? Why are so many uncounted thousands, whom no man's voice can reach, assembled upon this occasion? Why do I behold an illumination before which the stars of heaven grow pale? Why such an assembling of the old and of the young? Why an enthusiasm such as we have not witnessed since Grant planted the stars and stripes upon the vanquished towers of Richmond? (Applause.) The answer is plain. It means, fellow-citizens, the preservation of the government, the triumph of constitutional liberty, and the election of General Grant to the Presidency of the United States. (Applause.) It means, fellow-citizens, that the able and gallant soldier and civilian, Gen. John M. Palmer, shall be the next Governor of the State of Illinois. (Applause.) It means that under your triumphant standard bearer, Gen. John Cook, old Sangamon county will stand redeemed, regenerated and disenthralled. (Three cheers for old Sangamon.)

Fellow-citizens, to say that I am surprised by this demonstration, that one so humble as your humble servant should receive such a magnificent ovation as this, is to express but little of the emotions which now swell and agitate my heart. As Gen. Cook has just said to you, my first home in the State of Illinois was in the city of Springfield. It was no city then. It was over thirty years ago. I attended school in a little frame school house just opposite where the American House stands. I went to school to your former distinguished fellow-citizen, John Calhoun, who used to say, very humorously, when we were the candidates for Congress against each other, "Dick Yates was a very bad boy when he was at school, when I used to thrash him well, and I intend to thrash him in this canvass." He had those peculiarities which pertain to our common human nature, but he was a man of fine and generous feeling, and of many noble traits of character. He sleeps now upon the beautiful plains of Kansas, beneath the sod of the valley—he rests in peace.

Gen. Cook has brought to my mind memories which are indeed very pleasant to me. If there is anything that can give consolation to the human heart next to the love of wife and children, and the consciousness of the favor of God, it is the good opinion of one's fellow-men. For over thirty years I remember but as of yesterday the companions of my youth in the city of Springfield. Then where the capital now stands was a deep ravine, and there were but few houses near the spot where we now stand, and the prairie around was an uninhabited plain. But Springfield is now a city of no small proportions, and within the life of many who now hear me, is destined to be the proud capital of a State of ten millions of people, and herself the residence of a hundred thousand human souls. I say I remember those associations—I remember the Hawleys, the Butlers, the Mathenys, the Irwins, the Francisces, the Williamsses, the Hern-dons, the Joneses, the Jaynes, the Bunns, the Conklings, the Chatter-ton, and a host of others who were the companions of my youth; and fellow-citizens, will you allow me to say that I remember them as the friends who have protected my own name as they would that of their own children. (Applause.) Yes—from the rage of malice; from the fires of persecution, amid sunshine and storm, in the hours of prosperity and of adversity, I have been their child, the ward of the people of Sangamon county. They have nursed me in my infancy—they and my own county gave me my start for the positions which I have held, and to them I am indebted for twenty-seven years of uninterrupted political life and promotion. And fellow-citizens, if I ever forget them, if I ever fail to use to the utmost of the humble faculties and powers with which God has endowed me, to be worthy of their confidence and esteem, then may my tongue lose the power of utterance and this hand fall palsied at my side. (Applause.)

Fellow-citizens, magnificent as your demonstration is to-night, splendid as is your ovation to your unworthy servant, I shall not allow it to excite my vanity, but it shall inspire me to a more determined perseverance, to a greater industry and to higher achievements, that I may continue in the confidence, the love, the memory, and the regard of my fellow-citizens. I care not for world-wide fame; I would sooner have my name written in the memory and affection of my neighbors and friends than to have it written in stars upon the blazing firmament of heaven above us.

And now, after nine months of weary absence, I come back to you with the same principles and the same faith with which I left you. You have known me for thirty years or more; you have known all my faults and all my weaknesses, and you have stood by me. But now I am to vindicate myself in one regard, and that is this: that, whatever may have been those weaknesses, or those faults, however much I may have failed, yet on all occasions in the Legislature of your State for eight years, in the House of Representatives of the United States for four years, as Governor of your State, and as your Senator in Congress, I have ever been true to the principles of human freedom. (Great applause.) I have been forever true to the undying, immortal

principles of universal and individual human liberty. (Applause.) I have never concealed my opinions. I have never willingly or knowingly turned my back upon a friend. I have never dodged a question.

THE SUFFRAGE QUESTION.

When I have been asked whether I was for suffrage or not, I have spoken for myself; I have answered that I am for equal rights, for American citizenship for every man twenty-one years of age, from whatever country, or wherever born, or of whatever color; I am for the enjoyment of equal rights by every man and by every American citizen; I am for suffrage in the south and in the north, and everywhere.

I do not stand back bullied and frightened; I do not intend to let Wade Hampton and Seymour and Blair snatch from us that loyal vote which stood by us during the war, and which flashed two hundred thousand bayonets in the face of Jeff. Davis and his hosts. (Applause.)

The last speech which I made in the Senate of the United States was for the protection of the American citizen abroad. The Congress of the United States passed a law for which I voted and for which I spoke, proclaiming to all principalities and powers that every American citizen, wherever he may have been born, whenever he swears allegiance to the government of the United States, or declares his intention to be such, that no power in this world, upon any continent, island or sea, shall deprive that citizen of his rights as an American citizen. (great applause,) that wherever he can point to the flag, or wrap the old flag around him, it shall be the shield of his protection, and that the power of the United States shall defend him wherever he may be and against all the powers of the world. (Applause.) This is the kind of equal rights for which I have always contended, and for which I shall ever contend; and I defy any one to say that I have ever given a vote or uttered a sentiment against human liberty.

We have had an eventful experience. While a member of your Legislature I recollect that I introduced a resolution for the abolition of the slave trade in the District of Columbia, for up to the time that I took my seat in the Congress of the United States, men and women were sold upon the auction block in the capital of the nation. If I remember aright that resolution only received four votes; but thank God, I have lived to see the day when the principles for which I then contended—for the abolition of slavery in the District of Columbia, for the repeal of the fugitive slave law, for the abolition of the black laws in this State—I have lived to see those principles gloriously triumph on every hand.

And, fellow citizens, it would do your hearts good now, to see, in the city of Washington, the loyal black population there, with their schools and colleges and churches; to see them go to the polls with clean white ballots with the face of Old Abe upon them, and place them there to defeat the traitors and copperheads who have so long triumphed in that city.

And it was a peculiar pleasure to me to see your Legislature in 1865, when we had elected a Republican Legislature, at request made in my message, sweep from your statute books with a resistless hand,

those black laws by which the negro, for small offenses, or for no offense at all, except to answer to the prejudice of some copperhead, was imprisoned and sold at the block. (Applause.)

HIS COURSE AS GOVERNOR.

When I was made your Governor, fellow citizens, it was a time of profound peace. We anticipated no war and no difficulty. I expected to have rather a clever, easy time of it to be the Governor of the proud State of Illinois, with nothing to do but to sign the commissions of justices of the peace and notaries public, and pardon men out of the penitentiary, and perhaps make a visit to Europe in the meantime; but from the day when I was first inaugurated, during the four years I had to be your Governor, I spent many weary days and sleepless nights. I do not regret it.

Others might have performed the duty more faithfully and to your satisfaction than I could have done, (cries of "never,") but I do not regret it. I do not regret that in the providence of Almighty God I was called upon to be the Governor of the State of Illinois from the commencement to almost the end of the war.

I do not regret, fellow citizens, that I raised two hundred and fifty-eight thousand troops in the most sacred cause of God-given liberty and humanity; troops who covered themselves all over with glory upon more than five hundred battle fields of the war. (Applause.)

I do not regret it, fellow citizens, that I myself stood with General Grant amidst the roar and thunder of battle. I do not regret that I called upon the citizens of the State of Illinois, upon her noble matrons and her beautiful maidens to send to the brave soldiers in the field all the comforts and luxuries within their reach.

I do not regret it that I went to the field of battle and brought home the sick and wounded, and I do not regret it, fellow citizens, that when traitors assembled in the capital of the state, and passed resolutions against the war, that I sent them howling to their homes. (Tremendous applause.)

There is another thing I do not regret. In the executive chamber up there, which is now so ably filled by your gallant and glorious Governor Oglesby, (applause,) and which is soon to be filled by your no less distinguished, able and gallant soldier, Gen. John M. Palmer, (great applause,) I do not regret that there I issued my proclamation, appealing to the patriotism of the people of the State of Illinois, after our flag had been fired upon and we had been forced into a war which we could not avoid and which we were bound to fight for our national preservation—for after we had been struck we were forced to strike back again. I do not regret that, in that executive chamber, where I issued my edicts against traitors and copperheads, (great applause,) this feeble hand signed the commission of the world's greatest commander, U. S. Grant, the next President of the United States. (Tremendous applause.)

RESULT IF DEMOCRACY TRIUMPHS.

The occasion, fellow citizens, upon which we meet to-night is one of remarkable interest. We are here to fight the same battle which

our brave boys in blue fought—as they bore our unconquered banner and planted it upon every stronghold whence rebel hands had pulled it down. (Applause.) It is the same fight now, between patriotism and treason. As Stephen A. Douglas remarked, “there are but two parties in this country.” Patriotism on the one hand and treason on the other. (Applause.) I wish to say to you to night, fellow citizens, that the triumph of the Northern Democracy in the next election would be the *triumph of the rebellion*; it would be the re-opening of every question which has been settled by the war; it would be placing in power again the Toombses, the Wade Hamptons and the Forrests; it would place these men again in the Senate and House of Representatives, and they would resume their ancient sway over the destinies and liberties of this country. Yes, fellow citizens, it would be placing these, the men who worked and wrought for your country’s murder, men who filled our land with the weeds of mourning for our lost and loved ones; men who by starvation—*slow starvation*, of our young men and our old men, in their dens and prisons of Andersonville and Bell Isle, by piracy and plunder, by arson and by murder; men who by every cruelty and barbarity shocking in the eyes of God and man, compassed the life of the nation and aimed to overturn the government. Fellow-citizens, I arraign the Northern Democratic party as the men who are responsible for the war; for the blood that was spilt in the war; for the treasure that was expended in the war. There was no time before the war commenced that the Northern Democratic party might not have prevented it altogether. (Voices—“that’s so!”)

DEMOCRACY RESPONSIBLE FOR TAXATION.

And they now call upon you, and complain so loudly of the taxes which they never pay. (Laughter.) They are the men who are responsible, wholly, entirely responsible, for the war which the country has had to fight. They were in power, and, with Buchanan, said in Congress, in their mass meetings, in their national conventions, at their firesides, upon the streets, *everywhere*, that the government of the United States had no power to coerce a seceding State. They furnished the South its leaders during the war; they furnished it all the aid and sympathy necessary to resist the power and authority of the United States government, and I say to you now, fellow-citizens, before God, that the rebellion could not have stood upon its legs six months but for the encouragement, the aid and sympathy it received from the Northern Democracy. (Cries—“You are right!” and great applause.)

They talk to you about debt and taxation. Tell them to produce their receipts to show where they paid one single dollar of the public debt. How many of you has Gen. Logan and the other officers, collectors and assessors, or anybody called upon to pay any part of the public debt? He calls upon nobody who does not receive more than one thousand dollars income; and those same men who pay the taxes never grumble. But these poor, miserable creatures, who pay no taxes, who belong to what we call the Seymour Democratic party, (laughter and applause) and who suffer so amazingly from these taxes which

they never pay, they cry out "bloated bondholders!" Ask yourselves how many of you have paid any part of the national taxes. Who have paid it but the bondholders and the men of wealth and capital in the country? We do not propose any system of Democratic taxation by which we will tax everything equally; by which we will tax the poor man's cow when we tax the rich man's gold watch. But the Democratic policy would tax the poor widow's cow, instead of allowing her the exemption which has been given by the Republican Congress, that she shall not be taxed unless she receives an income of more than one thousand dollars; the poor widow who has given her husband and her son to her country, and they perhaps sleep beneath the sod away down upon the banks of the Cumberland or Tennessee, upon the heights of Mission Ridge, or in the swamps or bayous of the confederacy. Why, my fellow-citizens, look at this! I trembled for a time for fear I might have to leave the Republican party upon this question of taxation.

HOW THE DEBT WAS MADE.

Now how was this debt created? I tell you fellow-citizens it was in self-defense; in the preservation of the life of our nation. We were struck and we had to strike back again or give the nation up.

Our flag was fired upon at Fort Sumter. These traitors left the Congress of the United States and went out to organize a government of their own.

They set themselves up against the government of the United States which they had sworn a hundred times to preserve, maintain and respect; they organized civil war; they made your rivers flow with blood; they saturated the very earth with the blood of our murdered countrymen.

It became necessary to prosecute the war. The Republican party was in power and they would have been cowardly and recreant to every duty of statesmanship, of patriotism and justice and of allegiance to your country unless they had carried on the war. They had not the money to do it with. They had to clothe our brave boys in blue; they had to feed them; to furnish them with arms and munitions of war; with tents; to transport them over railroads and rivers, and by every sort of conveyance, and the debt which none of us liked to make, became an inevitable, terrible necessity.

None of us like to make a debt, but our government was compelled to say to our men of capital, our farmers and our mechanics, even to our widows and orphans, and any one else who had any money to advance, "Come forward, lend us your money, and we will give you our note and pay you interest upon it at six per cent."

Our countrymen all over the land came forward; they withdrew their money, much of which was bringing ten per cent. on mortgage security, and lent it patriotically to the government at six per cent. Uncle Sam, with his broad hand and seal, signed and stamped these notes, and said, "I will pay you every dollar, principal and interest, that you have lent us to prosecute this war;" and, fellow-citizens, "By the eternal," so far as I am concerned, that promise shall be maintained.

The word of a great nation must be kept. If a nation shall not keep its word who may not break his?

If I make a debt and give my note bearing ten per cent. interest, and if the government break *its* word as the Democratic policy would have it do, may not I justly say that I will issue you a note bearing *no* interest, in place of paying my debt? Is not that repudiation?

If I say I will only pay you so much of the debt, is not that repudiation? And shall the government of the United States thus forever blacken its escutcheon, and dishonor its flag by instituting national repudiation? Never, no, never! (Applause.) The Democratic party which has always been for gold, for a hard metal currency, for "Tom Benton mint drops," and which opposed the issuing of greenbacks when it was necessary to carry on the war against the rebellion—that same Democratic party all at once are in favor of a greenback currency. (Cries of "graybacks." Yes of a grayback currency. (Laughter and applause.)

They said once, that when greenbacks should be issued they would not be worth fifty cents a bushel; suppose now, they should issue three times the amount how much will that currency be worth to the people of the United States—to the farmers and mechanics?

But I have said, fellow-citizens, that the triumph of the Democratic party would be the triumph of the rebellion.

Do you suppose that after the Northern Democracy have called upon the Southern Democracy to unite with them to carry this election, when they got into power they would stand up to the payment of your national debt to the neglect of their confederate debt? Has that been the history of the party?

Do you suppose they will stand silently by and see your widows and orphans paid their pensions, while their widows and orphans are not to have their pensions?

Fellow-citizens, I repeat it—if you elect Seymour and Blair to the Presidency and Vice-Presidency of the United States, then have you opened afresh the wounds which have so long been bleeding and dividing our distracted country.

ILLINOIS DON'T REPUDIATE.

You all remember well—I refer to it because I was at that time a member of the Legislature—when the State of Illinois became involved in a debt to the amount of twenty millions of dollars, incurred from the mammoth system of "internal improvements." Mississippi, under lead of Jeff. Davis, repudiated her debt, and the Northern Democracy, the Democracy of Illinois, were also in favor of repudiating the debt of Illinois; and I am sorry to say, also, that many of our whig friends believed this debt could never be paid.

We remember that it was at a time of financial embarrassment; that there was no immigration to the State; all were borne down heavily with taxes, and it seemed that the payment of this debt was an impossible thing. But, notwithstanding this, as members of the Legislature, we came forward and levied the two mill tax, and from

that very moment the State of Illinois began to prosper as it never had prospered before.

The people honestly and faithfully stood by their contract; emigration began to come into the State, and the consequence now is that Illinois is one of the most prosperous States in the Union, with nearly three millions of inhabitants; her credit is high in every part of the world—upon the banks of the Rhine, in England, and everywhere, the bonds of the State of Illinois and its honest people, are high, and the people have flourished, by the blessing of God, because they stood faithfully and honestly by their contracts. God bless our beautiful and glorious Illinois! (Applause.) The State that stands by her faith, the State that keeps her word, the State that has elected the President the two last terms, and the State that will elect the next President from her borders. (Great applause.)

SEYMOUR AN ANTI-WAR DEMOCRAT.

Consider for a moment who are the candidates for your votes at the approaching election. On the one hand is Seymour, an anti-war Democrat, a man who never uttered one solitary sentiment in favor of the vigorous prosecution of the war!

On the fourth day of July, 1863, while he was making a speech to a rebel crowd in the city of New York and inquiring satirically, reproachfully, "where are your Republican victories which you promised us?" On that very day and on that very hour, on the fourth day of July, 1863, Gen. Grant, to the tune of "Hail Columbia," was marching to plant our glorious flag on the towers of Vicksburg. (Great applause.) At the time when Sherman was struggling from Dalton and Mission Heights and Lookout Mountain, and on to Atlanta, amid the roar and thunder, the shot and shell of battle—through rivers of blood—at the very time when the gallant Phil Sheridan was sweeping with his invincible cavalry through the valley of the Shenandoah—at the very time when Grant was struggling in the Wilderness, when unseen foes met him on every hand, and batteries frowned on his onward march, and our brave boys fell in uncounted thousands—at the very time when the South expected intervention from England, to aid her in the triumph of the rebellion—at the very time when Old Abe, through the long watches of the weary night, in his executive chamber at the capital of the nation, with long strides paced the halls of the white house, anxiously awaiting dispatches from the army—at the very time, on the 4th of July, 1864, the Democratic party, representing every State and Territory in the Union, were assembled in Chicago, and were presided over by this Horatio Seymour, and they sent words of cheer to the enemy and words of discouragement to the hearts of our brave boys in blue, and in all the forms of parliamentary proceeding they passed that resolution, written with the black ink of treason, declaring that the war was a failure, and demanding the cessation of hostilities. This is the candidate—the anti-war candidate that is presented for your suffrages at the approaching election. In that very speech made by Seymour, on the 4th of July, he argued the unconstitutionality of the draft, and it was there that he incited

the riot that took place eight days after, when poor children were burned to death by Copperheads in their asylums—when the streets of New York ran with the blood of men, women and children.

What, then, did your Democratic candidate for the Presidency do? He went to that mob, and he said, "My friends, (laughter) hold still; return to your homes; we can assemble you whenever you choose. I have telegraphed to the President of the United States to postpone the draft until we can have a decision of the Supreme Court, to say whether the draft is constitutional or not." Old Abe said he would have the draft; they might try the Constitution afterwards, if they wanted to. Now, fellow-citizens, after that speech of Governor Seymour, at Cooper's Institute, in New York, I said while I was Governor of the State of Illinois, that if I had been Governor of the State of New York, before I would have addressed that murderous band of traitors as my friends, and telegraphed to Mr. Lincoln to stop the draft, I would have seen New York's proud palaces laid in ashes, and Wall street and Broadway running deep with human gore. (Applause.)

When Mr. Lincoln telegraphed to Mr. Seymour, fifteen days before the battle of Antietam, for troops to prevent the rebel army from marching upon Philadelphia and New York, and when any other loyal Governor from such a State as New York would have sent fifty thousand volunteers to stem the rebel army, after the battle was over, Mr. Seymour sent ten thousand men, who did not get there till after the battle.

THE SOLDIERS FOR GRANT.

Now, fellow-citizens, I have told you that I did not regret that I was Governor of the State of Illinois during the eventful period of the war, but I tell you another thing that I shall regret. I shall regret that any brave boy in blue who has assisted in placing our proud flag over Jeff. Davis and the hosts of treason, should vote for this anti-war Democrat, as opposed to that patriot and hero, General Grant. Now I want to tell such a soldier, if he is here, that if he votes for Grant he is voting on the side for which he fought—for the preservation of the Union; and if he does not think so, I want to tell you how he can undeceive himself. I will give him an infallible specific, a remedy by which he may undeceive himself. It is not that I tell you that you vote against your country and on the side of traitors if you vote for Seymour and Blair; but this is my specific. To-morrow morning, my brave young friend in blue, when you get up, raise your east window, and look out upon God's glorious sun as he rises in majesty; look out upon all the grandeur of creation, and then, when your brain is cool, and your heart is honest, look into your looking glass and you will see a man there; look him steadily in the eye and tell him that when you vote for Blair and Seymour you are voting upon the side for which you fought, and there is something in the eye of that fellow in the glass that will say to you "You lie, and you know it!" (Great applause.)

EQUALITY.

Now, fellow-citizens, you say that we are in favor of negro supremacy. I never heard one of us say so—never saw it in a republican newspaper—never saw it in a resolution of a republican caucus, that we are in favor of negro supremacy. No, fellow-citizens, we are in favor of *no man's* supremacy in this country. We are in favor of the supremacy of the American people. We believe in the strong common sense of the people of the United States of America, and we are willing to be governed by their judgment and by a majority of their votes. There is no such thing as equality between men in this country. All that we contend for is equal human rights, equal privileges before the laws, for every American citizen, whether he may be American, Irish, German or Portuguese, of whatever color God in his providence may have put upon his complexion, that he shall be entitled to equal rights. Talk about equality. How many of these copperhead orators would you have to boil down to get the essence out of them to make a man equal to John M. Palmer? (Great applause and laughter.) We may suppose an eagle to fly a thousand miles a day, until he reaches the sun or the highest pinnacle of space, and he never would reach that high elevation from which Fred. Douglass would not look down upon one of these modern democratic orators. (Applause and laughter.) The laws cannot make men equal. I say to you, my brave boys in blue, if you have got my commission, and if you are going to vote for Seymour and Blair, and for John R. Eden for governor, for Almighty sake give it back to me. (Great laughter and applause.) If any boy in blue who has fought through the war could vote for the anti-war democrat, Seymour, and against that old Illinois hero and patriot, General Grant, or for that stay-at-home John R. Eden, against the gallant soldier, patriot and statesman, Gen. John M. Palmer—that man, it seems to me, could strike his grandmother in the face. (Great applause.)

RECORD OF GRANT.

We present to you as the candidate for your votes for the President, the name of General Grant. In doing so we expect your vote upon every principle of honesty and candor. In the first place, he has the confidence of every honest man in the country. I repeat it—the confidence of every honest man in the country—whether he be republican or democrat. Such is not the case with the time-serving politician, Seymour. It is said that General Grant cannot make speeches. Neither could Washington make a speech. General Jackson never made speeches; but General Grant has made some speeches which, when the wordy rhetoric of Horatio Seymour shall have been forgotten, will be recorded upon the pages of history, so long as time shall last.

Such was his speech to Buckner, when he said, "I propose to move immediately upon the enemy's works." Such a speech was the one he made to Pemberton, "Unconditional surrender;" such was his speech at Appomattox, when he said, "I propose a capitulation upon

the following terms: the confederate army will stack their arms; the cannon and the munitions to be received by the officers of the American army." That speech he made when struggling through the Wilderness, where the hope of Lincoln followed him, when we were in doubt all over the country, and when patriot knees seemed to tremble with apprehension, when he was opposing the enemy hand to hand in that unparalleled struggle; the speech that came by telegraph to gladden and encourage Lincoln and the nation, "I propose to fight it out on this line if it takes all summer." [Voice, "and he did." Tremendous applause.]

I am detaining you, fellow-citizens, far longer than I intended. ("Go on—go on.") General Palmer is here, and I know you wish to hear from him. This reception goes to the bottom of my heart. It is from my old, life-long friends; from those with whom I have been raised—those who have elevated me and honored me, and I thank you for it.

WHAT THE REPUBLICAN PARTY HAS DONE.

I have said I was glad I have been the governor of your State, although I may have performed my duty in a more inefficient manner than others would have done. I am glad, also, that I was your senator during the 39th and 40th congress. I am glad that I belong to your glorious republican party, who, when the flag was fired upon, rallied to the rescue. From our prairies, from our hill tops and our valleys, they "rallied around the flag," and they carried it in triumph from one end of the land to the other. I am glad that I was a member of the congress that raised, equipped and clothed, and fed, and sent to victory the flower and chivalry of our land, to save our constitution and country from the grasp of the aggressor. I am proud I was a member of the congress that raised and equipped the grandest army the world's history has known—that set afloat the proudest navy that ever rode the sea. I am glad that I was a member of the congress that blotted from the face of our land the accursed system of human slavery, (great applause,) so that now, upon every rod and inch of American soil, liberty is a living reality. I am glad that I belong to that party that derived its principles from the revelations of God himself—from the golden rule, "do unto others as you would be done by, and love thy neighbors as thyself." I am glad that I belong to that party that has lifted up God's down-trodden and long-oppressed poor—that has lifted them up to manhood and American citizenship, to life and to liberty. I am not sorry, fellow-citizens, that when the President of the United States thrust himself between the congress of the United States and the pacification of our difficulties, and opposed the measures by which we aimed to relieve the country, the freedmen's bureau bill, the civil rights bill, and other measures of reconstruction by congress, I am not sorry, fellow-citizens, that as your senator I voted for the impeachment of Andrew Johnson. (Tremendous applause.)

WE WILL HAVE PEACE.

And as I now conclude what I have to say, it will be in the language of Gen. Grant, "Let us have peace." By the triumphant election of Gen. Grant we shall have peace. If Seymour is elected he tells you his platform; Frank Blair's letter tells you; Wade Hampton tells you that the government and authority that law has established shall be set a side. What is this but war? Shall these rebels again raise the hand of rebellion? They threaten that they will overthrow the government that has been established by the authority of law and made by the congress of the United States. Fellow citizens, I am not in the habit of threatening, but I will not be threatened either, (great applause) and I will say now that if Illinois sent 258,000 men to put down the old rebellion, and if Seymour and Frank Blair, and Jeff. Davis and Breckinridge, and Toombs, and the murderer Forest—if they choose to get up *another* war to overthrow the reconstructed government which congress has made, then Illinois will send 500,000 men to vindicate again the government of the United States, and that war shall not cease until treason shall be abolished from the face of the earth forever and ever. (Immense applause.)

I say, elect General Grant, and we will have peace. I am not for a military chieftain simply because *he is* a military chieftain. But, fellow-citizens, we are in the midst of war-like times; the spirit of war is in the land. We want a man at the head who has been tried and never found wanting; who has fought on a thousand battle-fields; who understands all localities; who has been all over the south; who has proved himself worthy; a man of strong common sense, in whom the people have confidence. Elect Grant president of the United States and I tell you the last rebel will seek his hole, and then, fellow-citizens, we shall have peace. We will have the grandest country that God ever gave—a country stretching from the Atlantic to the Pacific, interspersed by railroads, with sweeping rivers, with deep, blue lakes, a soil of boundless fertility, a country destined to have one thousand millions of human souls, the grandest empire on the globe, "time's noblest empire—the last."

Fellow-citizens, I pray you in the name of justice and humanity and liberty; in the name of the common country so much loved, and for which you have sent the flower of your population to die; in the name of Washington; in the name of Abraham Lincoln—God bless his immortal memory—(applause)—and against those traitors who incited his murder—"bloodiest picture in the book of time"; that traitorous deed of assassination which sent to death the most loved and honored of our land; the man before whose name let every American bow in reverence; the name before which all the heads of civilized powers bow in homage and respect—vote against those murderous traitors, I say, that took from us our noblest, our purest Lincoln. Let us again "rally round the flag," and save our country from the spoilers who would overthrow it.

SPEECHES
OF
RICHARD YATES,

ON
National Sovereignty and State
Rights,

IN
THE SENATE OF THE UNITED STATES,

FEBRUARY 14 AND 17, 1870.

WASHINGTON :
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Mr. YATES said. Mr. President, I had no intention whatever of taking part in this debate until I heard the able, eloquent and earnest remarks of the Senator from Wisconsin. During his speech he made reference to certain political principles which I understand have divided politics in this country from the beginning of the Government down to this time.

All Senators will remember that at the beginning of the Government there were two parties; one party in favor of a strong Federal Government, which was denominated the party of consolidation; another party in favor of the rights of States as such, which party was led by Mr. Jefferson and others; while the party which was called the party of consolidation was led by such men as Hamilton and others.

This very question has come very near deciding the history of this country. From the foundation of the Government down to this time the question has been whether we should have a National Government or a Government of States. That is the only question; that is the question we are debating now. The Halls of Congress ever since the Declaration of Independence was promulgated have reverberated with arguments *pro* and *con* upon this question of National Government and State rights. It came near losing us the Government amid the flames and blood and thunder of civil war.

Mr. President, as I listened to the arguments of the Senator from Wisconsin I could but feel sorry that he had eloquently and ably revamped all the arguments in favor of nullification, of secession, of State supremacy, as opposed to one grand nationality and Government of the United States. He referred to Mr. Webster. Now look at the history of Mr. Webster. Look at what constituted the glory of Mr. Webster. What has made his name immortal as the champion of the Constitution but as the defender of great national principle—Sovereignty? What was Mr. Webster's position? It was that if Congress passed a law it was not for the States to decide whether that law was proper or not. It was for Congress in the first instance to

decide whether the law was to be the supreme law of the land. Does the Senator from Wisconsin remember the eloquent debate between Mr. Webster and Mr. Hayne? Does he remember the glowing eloquence and ability with which Mr. Webster showed that we must have one Government and must not trust to thirty or forty or fifty or one hundred different States to establish principles and doctrines for themselves; that we must have uniformity in laws, in the rights of American citizens; that we must have one law for all the people of the United States? I do not mean to deny that there are what are called State rights; but what is called State sovereignty is, in my opinion, according to the theory of this Government, the veriest humbug that was ever promulgated before an intelligent people. There is but one sovereignty in the country, or else we are no nation. We are not dependent upon the voice of the legislation of thirty or forty or fifty different States. I submit that in so far as the inherent rights of man are concerned—the right of suffrage, the right to hold office, the right to an equal voice in the management of public affairs, the right to a voice in the selection of rulers and in the making of laws—there must be equality throughout the whole country. I ask if in these respects there should not be perfect and entire equality between citizens in every State of the Union; and I ask if we can say that a State is admitted into the Union upon a perfect equality with every other State if her citizens have rights which are superior to those of the citizens of other States? If, for instance, in the State of Tennessee, certain classes of citizens are permitted to vote, who are denied the right to vote in other States, is there perfect equality in that regard? I can say to the Senator from Wisconsin that if the bones of Mr. Webster turn in his coffin at our positions it would rather be to rise in the Senate to confront this heresy of secession, of State rights, this gateway to another disunion and another civil war. On the other hand, I can say to him that there would be a resurrection of Mr. Calhoun. He would leap from his grave to take the hand of the Senator from Wisconsin in this new war for State rights against the power and the authority of the Federal Government.

Mr. President, we have had too much of this question. The boundary line between national authority and State jurisdiction is a question that has puzzled the wisdom of statesmen and of jurists; and we know from practical experience that the assertion of State authority has come near involving this country in war upon repeated occasions. Mr. Webster was the man who raised his potent voice against nullification, saying that a State had no right to deny the authority of the Federal Government or the power of Congress. Mr. Webster is renowned, if for anything, for his advocacy of a great nationality, of one Government, a Government of one people, the States all acting in harmony with it, and attending properly to their domestic and municipal matters, and all subject to the one grand authority of a great Government, and that the Government of the United States.

I rose simply here to crush in the bud this new uprising of secession and nullification, not in the South, but in the North. I wish to stifle this Calhounism in the Senate right here, and say that hereafter, from this time henceforward, while I will not claim that the Government of the United States shall exercise any unconstitutional power, yet it shall be the supreme authority and power of the country. The doctrine of State rights, which has led to such strife and civil war, must be merged in the great doctrine that we are one people, and that is the people of the United States of America. That is our doctrine. The Constitution is plain and clear upon this subject, not simply that Congress shall exercise the powers that are enumerated, but that Congress shall exercise all the powers that are conferred by the Constitution upon the National Government, and one of these powers is to guarantee to every State a Republican form of government. What is a republican form of government is another matter.

The point I wish to make, however, is this: what may have been considered a Republican form of government twenty years ago, or ten years ago, is not necessarily a republican form of government now. I will ask the Senator from Wisconsin if Tennessee or Kentucky or any other State was a republican

form of government which excluded almost a majority of her population from voting? Suppose that South Carolina, having a large majority of colored people, should declare by law or in her constitution that white people should not vote, would that be a republican form of government? Suppose that Utah should be admitted as a State in the Union, and in her Constitution she should provide that no man should vote unless he swore to the doctrines of Mormonism, would that be a republican form of government, and would Congress have no right to guarantee to the Gentiles of that people a republican form of government? Suppose that Massachusetts, as I have been told is the case, provides that none who cannot speak the English language shall vote, thus excluding Germans, would that be a republican form of government?

If the States may do these things, what becomes of the power of the Congress of the United States to guarantee to every State a republican form of government? The Germans are a most industrious, thrifty, loyal, law-abiding class of citizens, equal to our American-born citizens in every respect, and are they to be excluded by a State from the suffrage? Suppose Illinois should in her constitution insert a provision that citizens of German birth should not vote, would that be a republican form of government? Who would judge in that case? The State would have decided that they should not vote; but who is to settle the question? The power to which it is left to decide the question, to declare what is a republican form of government.

Mr. President, I rose simply to respond very briefly to the argument of the Senator from Wisconsin. These doctrines are not new to me; they are not new to the readers of history; they are not new to the men interested in the preservation of our Union; they are not new to the men who understand the causes for which this war was fought, by which this Union was preserved. If we would preserve our country and its institutions, we must have it understood that there is an entire sovereignty somewhere; that there is some power which shall decide these questions when they arise. If after Congress has passed

a law imposing a condition on a State, that State has the power, of its mere volition, to set aside the authority of Congress, then this Government is at an end and there is no Union. The argument of the Senator would be repudiated by Alexander Stephens. He never took any such position as that. It belongs to the Calhouns, the Haynes, the Rhetts, of South Carolina, and I do not wonder that the Senator from Delaware, [Mr. SAULSBURY,] out of very shame, repels any such new alliance.

A word now upon this subject of conditions. If these conditions are not unreasonable then our southern friends can subscribe to them. If they are truly loyal, if they love the Union, if they are penitent, if they come in with a true allegiance to the Constitution, these conditions will never hurt them. Look at the ordinances of 1787, which provided that slavery should never go into the northwestern territory. What was the effect of that ordinance? My friend from Wisconsin and other Senators may say it was unconstitutional. Whether it was unconstitutional or not, it saved Illinois and the Northwest to freedom. Men who wanted to emigrate into Illinois with slaves, instead of taking slaves there, took them over to Missouri, a slave State; and all that wide northwest territory, where is the center of empire now, where is now the power of the continent, is dedicated to freedom by that glorious ordinance of 1787. So I might say of the Missouri compromise, it saved the territory west of the Mississippi and north of 36° 30' north latitude to freedom. It dedicated that broad and beautiful empire to freedom forever.

And now, Mr. President, after arguments since the foundation of the Government upon this question, and after Mr. Webster denounced the propositions advocated by the Senator from Wisconsin in tones of eloquence and power, which have excited the admiration of Christendom, and have given him a reputation throughout the world as the peerless orator of the world, we are to be told that he would turn in his grave at hearing positions announced such as we have assumed. We have only assumed this, that there is a central power; that this is a national Government; that we have a nation; that we are not like the Achæan

League, so many dissevered States, all contending with each other, all passing different laws, leading to civil war and bloodshed. We are one country; we are one people. "We, the people of the United States" have ordained this Constitution. This is Mr. Webster's grand theory. All others, such as have been advanced by gentlemen on the other side, are but revamping the arguments of Barwell Rhett and John C. Calhoun, which are the gateway to the dissolution of this Union and the overthrow of this Government.

I may speak warmly, because, though I did not intend to say anything upon this question, I cannot but call things by their right names. That argument I have seen; I have read it day after day from childhood till now. It is the argument of State sovereignty. There cannot be a national sovereignty and State sovereignty. The States have their rights, but they are not sovereign, especially on questions which concern the inherent rights and equality of the citizens. I repeat, there can be no equality of States unless their is equality of rights among citizens in the States. We must be governed by a majority of the American people, and it must not be confined to color, race, or condition.

Mr. President, when the bill came up in the Senate granting suffrage in the District of Columbia I was a member of that committee, and a bill was reported at first in favor of impartial suffrage, conferring upon all the people of the District who could read and write the right to vote. I was not present when the committee agreed on that report, and I requested that the bill be returned to the committee, and there—and I presume I have witnesses on this floor to the fact—for two hours I maintained that there should be no disqualification because it was not republican; that the poor and the ignorant had a right to be heard as well as the rich and the educated. The action of the committee was reversed upon my motion, and the bill was returned to the Senate, a bill for suffrage without limitation in the District of Columbia, and it passed in that shape. My argument was that this was the theory of republican government, that the weak and the poor had a right to have

their interests represented in legislation as well as the rich and strong ; and I maintain that ground to-day.

That involves my reply to the Senator from Ohio. I remember his argument : we have heard it on every stump ; we have heard it in every speech made by our opponents. He said, captiously, "Has not Massachusetts a republican government ; has not Ohio a republican government ? Was not Illinois a republican government when she denied to colored men the right to vote ?" Now, sir, I wish to say that it is the duty of Congress not simply to guarantee that a government may be republican in form, but it must see that it is wholly and entirely republican. The argument of the Senator from Ohio was, that if a government was "sort of republican," it would do ; but that is not the theory of this age, of this great revolution on this question. A republican government now means one in which all the people, not a part—not the white, not the black, not the Germans, not the Irish, but all the people shall be represented. We go back to the Declaration of Independence and plant ourselves on its broad basis.

You need not tell me, Mr. President, that we must go by precedents. What is a precedent worth ? Slavery was a precedent ; and when I preached the abolition of slavery and denounced the fugitive slave law I was told, "Do not disturb the established usages and precedents of the Government ;" and such is the argument against every moral reform. If we succeed at all as a Republican party we cannot go backward. Slavery existed, and the genius of civilization breathed upon it and it fell ; the light of the nineteenth century broke upon it, and it faded away ; and so that precedent was disregarded.

Who regards the precedent of the Dred Scott decision ? It has all the authority and solemnity of a decision of the Supreme Court of the United States, but it did not have the authority of the advancing civilization and enlightenment of this age, nor the sanction of Almighty God.

You may talk to me about precedents, and read to me from the reports to show who are citizens and who are not citizens ; but I regard precedent as a humbug if it stands in the way of

the progress of the age and of advancing civilization, and the American people so regard it. It will do for a lawyer to get up and quote a precedent in a case where he lacks arguments from common sense and reason to sustain him ; but precedents, to be of any force or value, must be sustained by human reason and by those higher moral sentiments which control us as we advance down the period of the century.

Now, Mr President, as the Senator from Wisconsin has made his appeal, as he has implored Senators to come up and stand by his State rights doctrine, I implore Senators, for the sake of the Union, for all that they love in this Union, for all that is dear to us and our children, to stand by one great nationality, not overpowering, not overshadowing, not a consolidated government having all powers, but one which shall take care of and preserve the rights of the nation, having due respect for the proper rights of the States, those rights to which they are entitled under the Constitution.

But, sir, if this Government comes to ruin, it will be again upon this great question ; and it is strange that the American Congress, and especially the Republican Union part of the American Congress, should have taken position in favor of these conditions, when we have found their authority for them in the Constitution of the United States, as I can show at any time, and that they should now say, "We knew they were unconstitutional." That is a beautiful record ! What party can understand such a record as that ? I can excuse the Delaware Senator for repelling association with men who have gone back upon their principles and their party in such a manner as that, and who raise the shibboleth of the Calhoun doctrine after this long and bloody war, with all the horrors of secession and nullification, saying, "Virginia, come in ; you can do just as you please after you get in ; come in, Mississippi ; you can do just as you please after you get in ; all is your own ; you are sovereign States, we will be very magnanimous to you, and you may come in contending for the same old doctrine and sustained by the Conservative portion of the Republican party !"

Sir, as long as I can raise my voice I will stand by the old

doctrines of the Constitution as contended for by the men who were for one government and not for forty governments, but who were for one Government entire, governed by one people. This mighty doctrine is the doctrine of the people of the United States; and every form of inequality, whether it is in States or in individuals, will be wiped out by the power of this mighty moral revolution. No precedents of the past can be of avail to stop it; in the future, the grand and glorious future, illuminated by all that is beautiful in religion, or truth, or justice, or patriotism, it will triumph, and gloriously triumph.

Comments of Hon. John W. Forney, Editor of the Washington Chronicle, February 17, 1870.

STATE SOVEREIGNTY IN THE SENATE. —The speech of the new Senator from Wisconsin, Mr. Carpenter, on Monday last, substantially denying the constitutional right of Congress to legislate for the protection of civil rights and republican government in the late insurrectionary States, and in all the States of the Union, will excite very general regret in the Republican party. The impromptu replies of Senators Morton, of Indiana, and Yates, of Illinois, indicate the effect it produced upon them and their Republican associates; and the fact that Mr. Carpenter did not correct the constructions they placed upon his utterances proves that his sentences had been carefully considered, and are not to be lightly abandoned. The doctrine of State sovereignty was the cause and cover of the rebellion. It was fought down by the war. Its advocates made the issue and accepted the judgment. All our reconstruction legislation is pervaded by this idea, and the two great articles amending the fundamental law conferred special powers upon Congress to legislate for the enforcement of their sacred guarantees. Those who remember how the Democratic party, when it became the creature of the South, found authority in the very doubtful recognition of human bondage in the old Constitution to enact a fugitive slave statute that reached every State, and tore the flying negro even from under the shadows of Independence Hall, Philadelphia, and Faneuil Hall, Boston, will be startled at the denial by a Republican Senator, in a Republican Senate, of the exercise of a similar power in the interests of liberty, under the mandatory clauses of a Constitution improved in accordance with the verdict of battle and the voice of the people. Mr. Carpenter's peculiar theories are of course his own, and he is responsible for them. They are argued with his accustomed ability, but they are not, we conceive, the theories of the Republican party. The quick and eloquent answer of Senator Yates will meet a grateful response from the Republicans of the whole Union. Happily for the peace of the future, there is strength enough among the Senators and Representatives of that party in Congress to put a *quietus* upon this new movement. Happily, also, there is an opportunity to save the Supreme Court from its influence. The late decision of that high tribunal on the legal-tender question has aroused the country to one duty, and the Monday speech of Senator Carpenter will awaken it

to another. To show that our view of that speech is not unjust we give the estimate placed upon it by the Senator from Indiana, Mr. Morton, and the Senator from Illinois, Mr. Yates, immediately after it had been spoken.

February 17th

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 1096) to admit the State of Mississippi to representation in the Congress of the United States, the pending question being on the amendment reported from the Committee on the Judiciary, which was to strike out the preamble and also all, beginning with the word "provided," in line four, to the end of the bill, so as to make it read :

Be it enacted, &c. That the State of Mississippi is entitled to representation in the Congress of the United States.

MR. YATES. I rise not now for the purpose of saying anything on this bill, but simply to refer to some remarks which I made the other day in reply to the Senator from Wisconsin, [Mr. CARPENTER.] Upon examination this morning I fear that I was rather personal in some of those remarks. I despise personalites in the Senate or out of the Senate; and I feel that an apology is due from me, not only to the Senator from Wisconsin, but to the Senate, for an expression or two which was made during the course of my remarks the other day. One was that I did not wonder that the Senator from Delaware, [Mr. SAULSBURY] repelled an association with gentlemen who had gone back on the Republican party. Roused a little by a remark that Daniel Webster would turn in his coffin at the position which our portion of the Senate occupied on this subject, I replied with a good deal of earnestness to the Senator from Wisconsin; but I should not have said that, and I am sorry that I did say or intimate that the Senator from Wisconsin intended to go back or was going back upon the Republican party. I know that is not so. I have too warm a feeling for him and too much admiration for his high character and abilities, and too high an appreciation of his great services, not only in my own State but in all the northwestern States, in behalf of our great cause, to even intimate such a thing. Under the

impulse of debate, in answer to his rather uncharitable suggestion that Mr. Webster's bones would rattle in their coffin at the position we had assumed, I made that remark.

I also spoke of nullification, secession, and disunion; but I did not mean to say, nor do I now mean to say, that the Senator from Wisconsin was a nullifier or a secessionist. I meant simply to characterize his sentiments as leading to those very opinions which were promulgated by Mr. Calhoun and other men of the South when they said that a State could nullify a law of Congress.

For instance, when the Senator intimated that if Congress passed a law imposing a condition that these States should never alter their constitutions upon the subject of suffrage, the States might treat the condition as null and void and inoperative, I meant to say that that was nullification, and I meant to say that that doctrine does not admit that the Constitution, and the laws of Congress passed in pursuance of the Constitution, are the Supreme law of the land. That is what I meant to say.

So far as my remarks were personal in character I withdraw them. I do not do this at the suggestion of the Senator or any of his friends, or at the suggestion of any of my friends, for no one has said anything to me on the subject; but I do it in justice to myself and on account of my high appreciation of the Senator's character and services. At the same time I do not withdraw the argument I made, that the position assumed is like that which heretofore characterized the positions assumed by Mr. Calhoun and his friends in the South. This I had a right to say in fair debate.

On the same day, in reply to the rejoinder of Mr. Carpenter, Mr. Yates submitted the following remarks:

Mr. President, I do not wish to defer the vote on this question: but I desire to refer somewhat to its history. I wish to inquire what is the origin of this doctrine of State sovereignty or the power of a State to oppose an act of Congress, although the Constitution of the United States, by its terms, is the supreme law of the land, and all laws made in pursuance thereof

are also the supreme law of the land. I also wish to inquire into the theory on which we are acting and into the expediency of the policy which we shall adopt on this occasion.

Our fathers supposed that when the Confederation ceased and the Constitution of the United States was adopted, there had been some questions settled. The States prior to that time were united in a league; the Articles of Confederation were a compact according to the southern doctrine; but we abolished that league and established a Constitution. There was no longer a Government of States; it was not "we, the States," but "we, the people of the United States," who ordained the Constitution. Before that, the Confederation had been a Government of States; but by the wisdom of our fathers in council, a Constitution was adopted and a Union was formed, and then we became a nation, and not a mere confederation of States. Under the old Confederation the States did have sovereignty; but this sovereignty was abolished by the adoption of the Constitution of the United States. Such was the understanding at the time.

Well, sir, for what purpose was the cry of State rights raised after that? It was raised on two occasions. One was with regard to the tariff. When the General Government proposed to collect customs at the port of Charleston, at one period of our history, State authority rose and asserted its power, and said that it was the right of the State to decide whether Congress could pass a law to collect customs duties. Then there arose great debate. It was then that not only Mr. Clay and Mr. Webster, but even General Jackson said there is a General Government, there is a Congress of the United States, there is a supreme power in this country, as there must be everywhere, to decide between conflicting interests and claims. It was then that General Jackson uttered those words which have become immortal in history: "The Union, it must and shall be preserved." What did he mean by the Union? Did he mean that State authority should be preserved and maintained? That the decrees and laws of South Carolina should be the supreme authority and power of the land? No, sir; he meant that the

Constitution, and the laws of the United States passed in pursuance thereof by Congress, should be the supreme law of the land.

Here was the first conflict after the adoption of the Constitution, as to the theory of State rights, on the occasion of resistance to the laws of Congress, resistance to the collection of the customs revenue. What was the next array of the party of State rights? To maintain the institution of slavery in the States, it was said that the States must have supreme authority and power; and Congress itself, in obedience to the decrees of slavery, passed a resolution that Congress had no power to interfere with slavery in the States. And yet there was an express power, as much so as if it had been included among the enumerated powers of Congress in the first article, an absolute power in Congress to guarantee to every State a republican form of government. This doctrine of State rights has been the father of secession, the father of revolution, the father of civil war, and now we hear upon this floor the same doctrine advocated.

In order to show that I have not heretofore misstated Mr. Webster, and in order that Senators may derive wisdom from the experience of one of the greatest statesmen of the country, I beg leave to read from Mr. Webster. This is a practical question; it is a question of national and State authority; it is a question involving the existence of this country in all future time, and let me read what Mr. Webster says upon it in his great debate with Mr. Hayne:

If there be no power to settle such questions independent of either of the States, is not the whole Union a rope of sand? Are we not thrown back again precisely upon the old confederation?

It is too plain to be argued. Four-and-twenty interpreters of constitutional law, each with a power to decide for itself, and none with authority to bind anybody else, and this constitutional law the only bond of their Union! What is such a state of things but a mere connection during the pleasure, or, to use the phraseology of the times, during feeling? And that feeling, too, not the feeling of the people who established the Constitution, but the feeling of the State governments.

In another of the South Carolina addresses, having premised that the crisis requires "all the concentrated energy of passion," an attitude of

open resistance to the laws of the Union is advised. Open resistance to the laws, then, is the constitutional remedy, the conservative power of the State, which the South Carolina doctrines teach for the redress of political evils, real or imaginary! And its authors further say, that, appealing with confidence to the Constitution itself to justify their opinions, they cannot consent to try their accuracy by the courts of justice! In one sense, indeed, sir, this is assuming an attitude of open resistance in favor of liberty. But what sort of liberty? The liberty of establishing their own opinions, in defiance of the opinions of all others; the liberty of judging and of deciding exclusively themselves, in a matter in which others have as much right to judge and decide as they; the liberty of placing their own opinions above the judgment of all others, above the laws, and above the Constitution. This is their liberty, and this is the fair result of the proposition contended for by the honorable gentleman. Or, it may be more properly said, it is identical with it, rather than a result from it.

I intend to embody in my remarks the spirit of these sentiments of Mr. Webster, and therefore I enforce them upon the Senate to show the position which he occupied. I read again his words :

Sir, the human mind is so constituted, that the merits of both sides of a controversy appear very clear and very palpable to those who respectively espouse them; and both sides usually grow clearer as the controversy advances. South Carolina sees unconstitutionality in the tariff; she sees oppression there also, and she sees danger. Pennsylvania, with a vision not less sharp, looks at the same tariff, and sees no such thing in it; she sees it all constitutional, all useful, all safe. The faith of South Carolina is strengthened by opposition, and she now not only sees, but resolves that the tariff is palpably unconstitutional, oppressive, and dangerous; but Pennsylvania, not to be behind her neighbors, and equally willing to strengthen her own faith by a confident assertion, resolves also, and gives to every warm affirmative of South Carolina a plain, downright, Pennsylvania negative. South Carolina, to show the strength and unity of her opinion, brings her Assembly to a unanimity within seven voices. Pennsylvania, not to be outdone in this respect any more than in others, reduces her dissentient fraction to a single vote. Now, sir, again I ask the gentleman, what is to be done?

Two States disagreeing and no umpire: two States sovereign in themselves!

Are these States both right? Is he bound to consider them both right? If not, which is in the wrong; or rather, which has the best right to decide? And if he, and if I, are not to know what the Constitution means, and what it is, till those two State Legislatures and the twenty-two others shall agree on its construction, what have we sworn to when we have sworn to maintain it? I was forcibly struck, sir, with one reflection as the gentleman went on in his speech. He quoted Mr. Madison's resolutions to prove that a State may interfere in

a case of deliberate, palpable, and dangerous exercise of a power not granted. The honorable member supposed the tariff law to be such an exercise of power—

You can make any question the subject of such exercise of power—

and that consequently a case has arisen in which the State may, if it see fit, interfere by its own law. Now it so happens, nevertheless, that Mr. Madison deems this same tariff law quite constitutional. Instead of a clear and palpable violation, it is, in his judgment, no violation at all. So that while they use his authority for a hypothetical case, they reject it in the very case before them. All this, sir, shows the inherent futility—I had almost used a stronger word—of conceding this power of interference to the State, and then attempting to secure it from abuse by imposing qualifications of which the States themselves are to judge. One of two things is true; either the laws of the Union are beyond the discretion and beyond the control of the States, or else we have no Constitution of General Government, and are thrust back again to the days of the Confederation.

In the same debate Mr. Webster said :

When the gentleman says the Constitution is a compact between the State he uses language exactly applicable to the old Confederation. He speaks as if he were in Congress before 1789. He describes fully that old state of things then existing. The old Confederation was, in strictness, a compact; the States, as States, were parties to it. We had no other General Government. But that was found insufficient and inadequate to the public exigencies. The people were not satisfied with it, and undertook to establish a better. They undertook to form a General Government which should stand on a new basis; not a confederacy, not a league, not a compact between States, but a Constitution; a popular Government, founded in popular election, directly responsible to the people themselves, and divided into branches, with prescribed limits of power and prescribed duties. They ordained such a Government; they gave it the name of a Constitution; and therein they established a distribution of powers between this, their General Government, and their several State governments.

He argues that if we transgress our constitutional limits, each State as a State has a right to check us. Does he admit the converse of the proposition that we have a right to check the States? The gentleman's doctrines would give us a strange jumble of authorities and powers instead of governments of separate and defined powers. It is the part of wisdom, I think, to avoid this, and keep the General Government and the State government each in its proper sphere, avoiding as carefully as possible every kind of interference.

Finally, sir, the honorable gentlemen say that the States will only interfere by their power to preserve the Constitution. They will not destroy it; they will not impair it; they will only save, they will only preserve, they will only strengthen it. Ah, sir, this is but the old story. All regulated Governments, all free Governments, have been broken by similar disinterested and well-disposed interference. It is the common pretense. But I take leave of the subject.

Mr. Webster says again, in this same speech :

Sir, the very chief end, the main design for which the whole Constitution was framed and adopted, was to establish a Government that should not be obliged to act through State agency or depend on State opinion and State discretion. The people had had quite enough of that kind of government under the Confederation. Under that system the legal action, the application of law to individuals, belonged exclusively to the States. Congress could only recommend; their acts were not of binding force till the States had adopted and sanctioned them. Are we in that condition still? Are we yet at the mercy of State discretion and State construction? Sir, if we are, then vain will be our attempt to maintain the Constitution under which we sit.

He says again :

For myself, sir, I do not admit the competency of South Carolina, or any other State, to prescribe my constitutional duty, or to settle between me and the people, the validity of any law of Congress for which I have voted.

Just as we have voted for these conditions; and we do not leave it to Georgia or Virginia or any other State to say whether they are constitutional or not.

I decline her umpirage. I have not sworn to support the Constitution according to her construction of its clauses. I have not stipulated by my oath of office or otherwise to come under any responsibility except to the people and those whom they have appointed to pass upon the question whether laws supported by my votes conform to the Constitution of my country. And sir, if we look to the general nature of the case, could anything have been more preposterous than to make a Government for the whole Union, and yet leave its powers subject, not to one interpretation, but to thirteen or twenty-four interpretations? Instead of one tribunal established by all, responsible to all, with power to decide for all, shall constitutional questions be left to four-and-twenty popular bodies, each at liberty to decide for itself, and none bound to respect the decisions of others, and each at liberty, too, to give a new construction on every election of its own members? Would anything with such a principle in it, or rather with such destruction of all principles, be fit to be called a Government? No, sir, it should not be denominated a Constitution; it should be called rather a collection of topics for everlasting controversy; heads of debate for disputatious people. It would not be a government. It would not be adequate to any practical good, or fit for any country to live under.

Mr. President, I have referred to Mr. Webster to sustain what I said the other day in reply to the Senator from Wisconsin, and I ask the Senator to judge from what I have read whether his bones would rattle in his coffin in response to me or to the Senator from Wisconsin. I quote his authority on the

question whether this is a government of the people, whether there is any supreme power in the Government of the United States, or whether we are left to the old Confederation to a rope of sand, to thirty or forty, or fifty, or a hundred governments deciding each question as they may severally choose.

But, Mr. President, the point is, shall these questions never be settled? What was the issue upon which the late war was fought? Why, sir, plainly and simply, whether the States had the power, or whether the General Government had the power to decide questions which affected the interests of the people of the United States. When Jeff Davis took his hat and left his seat in the Senate Chamber and said, "I bid good bye to the people of the United States; I raise the Palmetto flag; I will tear down your Capitol; I will prostrate your institutions; and I will have a new government founded upon slavery," what was his argument? Why, sir, that the State of Mississippi was supreme; that there was no authority in the United States Government to control the power and the will and the pleasure of the separate States.

His doctrine was, "I will not belong to a Union in which my constituents are cramped, in which the people of the State of Mississippi have not a supreme voice, and in which I, as a Senator from the State of Mississippi, am not as supreme in my authority and power as the representatives of the people of the United States of America." This opened the great drama which has cost so much blood and treasure. This filled our land with widows and orphans. This was the question before the American people, whether a single State of this Union was supreme and all powerful in authority, whether it could disobey the laws of the Federal Government. His doctrine was, "I set up for myself; I raise the standard of a new government; slavery is my platform and my corner-stone, and you have no right to say a word in this matter." And, sir, Congress, a Congress of the United States, in obedience to the slave power, passed a resolution that Congress had no right to interfere with slavery in the States, when there was an express power to that effect. I speak now of no implied power, and

Senators need not talk to me about implied powers ; but I say there was an express power in the Constitution, as express as human language could make it, a clause direct and absolute in its phraseology, that Congress shall guarantee to every State in the Union a republican form of government. I must not be told that this is not one of the express powers granted to Congress, because it is an express power, for the Constitution says that Congress shall not only have power to pass all laws necessary and proper to carry into effect the expressly enumerated powers, but that it shall pass all laws necessary and proper for carrying into effect every power vested in the Government of the United States or in any of its departments by the Constitution.

Mr. President, we hear quoted the decisions of the Supreme Court under a different state of things, the decisions of that court when slavery was the rule and freedom the exception ; but, thanks be to God, now there is a different principle prevailing, and freedom is the rule and slavery the exception. I may say, in the language of Holy Writ, that "old things are done away, and behold all things are new." And when I hear my Republican friends, like the Senator from Wisconsin, advocating the doctrine that the State of Mississippi, after she comes into the Union, may nullify an act of Congress, treat it as inoperative and void, I feel like saying to him, "Is there no balm in Gilead ; is there no physician there ?" Precedents and judicial decisions of the Supreme Court, and of other courts in the Union, have been the ramparts of human slavery. That institution was sustained by wealth, by power, by capital, by cotton ; and it controlled the decisions of the Supreme Court and other courts of the United States. But those decisions have vanished like the "baseless fabric of a vision," leaving "not a wreck behind." Now we see another light ; another sun blazes upon us. It is the light of truth, and justice, and liberty ; liberty to all God's creatures, without a single exception ; all, high and low, rich and poor, learned and ignorant, have an equal voice in the administration of this glorious Government of ours. The achievement of this grand result is the great record of the Re-

publican party, if it has any record. And now, sir, shall we go back to the days of secession and State rights, and raise again the banner which lit up the flames of civil war in this glorious land of ours? No, sir. Senators may attempt to congratulate themselves that they can resist this onward march of human progress and human liberty; but it is a fiat of Almighty God, and one of the decrees of this nineteenth century. We will establish it. I see it blazing with law, and liberty, and justice, and truth, and religion.

Senators talk about this clause to guarantee to every State a republican government just as though it was to be treated as an unmeaning article in the Constitution of the United States. You might just as well extract from the Bible the sermon of the Saviour on the Mount as to take this most important of all the express powers of the Constitution from the Government of the United States. Why, sir, what did our fathers mean when they put that in the Constitution? They were fresh from the Revolution. They stood by the door-steps of those old men who came bleeding with their wounds fresh from the battle-fields of the Revolution, with their locks dusty and hoary from those fields of blood. Thus instructed, they put it in the Constitution that Congress should guarantee to every State a republican form of government. Why, sir, there is the jewel of the Constitution; there is the rampart of human liberty; there is the fortress of the poor against oppression, that not thirty-four different States having different interpretations of the Constitution, and passing different laws, and contending with each other, but the Congress of the United States, representing all the people of the United States, representing the will of all the people, responsible to all the people, should have the power to guarantee to every State a republican form of government.

Sir, I stand by the Constitution. Will any man now say that a State has authority to attempt to deprive a single American citizen of his right to vote or to hold office; that it can take away the right of education from the children of the people of the State; that it can do as some of the States of the South

once did, deny the Bible to the children of the people of the State; that some of its citizens can have the uncontrolled right to murder and to kill every man who does not agree with them in opinion? Can they establish a government in which negroes shall not be allowed to hold office, or Germans or Irishmen shall not be allowed to hold office? Sir, there is an inherent power in the Constitution of the United States to compel them to obedience, and what could be plainer? Congress is to use all the powers necessary and proper to secure a republican government in every State; and if a State sets herself up against the Union, and Congress does not use the means necessary and proper to put down her insurrection; or if she establishes a government which is not republican in form, and nothing is done by Congress to secure republican government and to secure law and order in that State, who is responsible; who fails in duty: who violates the Constitution which he has sworn to protect and maintain? Why, sir, when a Senator goes to your stand and raises his hand before Almighty God and swears that he will support and maintain the Constitution of the United States, and then suffers anything but a republican government to exist in any State of this Union, he is a perjurer and amenable to the laws for perjury, and though he may not receive his just punishment in this world, I hope he will in the next.

I referred the other day to the Missouri compromise of 1820. I am going now to refer to the Missouri compromise of 1821. There has been no disagreement between the Democratic party and the Whig party about the constitutionality and propriety of the Missouri compromise of 1821. About the compromise of 1820, which prohibited slavery north of the parallel of $36^{\circ} 30'$ north latitude, there was the same objection that there is now to these congressional conditions. But about the Missouri compromise of 1821 there was no disagreement between Mr. Clay and the members of the Democratic party. What was that provision? I will explain it.

After the ordinance of 1787 was passed, emigrants to the West settled in Illinois on account of its greater proximity to

the East, and also on account of its superior agricultural lands, and at the same time sent their slaves over into Missouri, the ordinance of 1787 keeping the slaves out of the State of Illinois. Missouri passed a law that free negroes should not go into the State of Missouri. When Missouri was admitted what condition was prescribed for her admission? The enactment of Congress which admitted Missouri required that this law which she had passed excluding free negroes from the State should not operate to prevent citizens of the United States from immigrating into the State of Missouri. Why? Because in New York a negro who owned \$250 worth of property was a citizen. Congress allowed Missouri to come in on condition that she should never thereafter in her constitution or laws prevent any citizen of the United States from immigrating to that State. That prohibition was admitted to be right by all parties, and it was accepted in good faith by Missouri. This was not merely a condition but a "fundamental condition" to the admission of Missouri, as a reference to the law will show. I read the joint resolution of March 2, 1821:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Missouri shall be admitted into this Union on an equal footing with the original States in all respects whatever, upon the fundamental condition that the fourth clause of the twenty-sixth section of the third article of the constitution submitted on the part of said State to Congress shall never be construed to authorize the passage of any law, and that no law shall be passed in conformity thereto, by which any citizen of either of the States in this Union shall be excluded from the enjoyment of any of the privileges and immunities to which such citizen is entitled under the Constitution of the United States: Provided, That the Legislature of the said State, by a solemn public act, shall declare the assent of the said State to the said fundamental condition, and shall transmit to the President of the United States, on or before the fourth Monday in November next, an authentic copy of the said act; upon the receipt whereof the President by proclamation shall announce the fact; whereupon, and without any further proceeding on the part of Congress, the admission of the said State into this Union shall be considered as complete.

Mr. President, all that I contend for is that the States of this Union shall come in upon an equal footing one with another; but I say that if the State of Georgia or any other State excludes a large portion of its citizens from the right of suffrage,

or denies the heaven-born and heaven-guaranteed right of education to the poor, then she does not come in upon an equal footing with the State of Illinois; or if she should deny the right to read the Bible to any of her people she would not come in upon equal terms with the State of Illinois.

Mr. President, gentlemen say these conditions are worth nothing; that they are void and inoperative. Why? Because Mississippi has a voice above Congress? Because Mississippi is the supreme authority of the land? No, sir. The Constitution of the United States and the laws made in pursuance thereof are the supreme law of this land. That doctrine is the only salvation of the land. On the opposite theory we are but a wreck; as Mr. Webster says in what I have quoted, we are but a rope of sand; we are left to drift upon the seas of human uncertainty, and no mariner's compass can point us in the right direction unless somewhere in this Government there is supreme power and supreme authority. My honorable friend, the Senator from Nevada, [Mr. STEWART,] said he believed in imposing conditions upon Nebraska; that if it did no good it would do no harm. Why? Because the State comes in upon this condition; it agrees to it; it signs, seals, and delivers it, and then she is in the Union upon the condition that she shall never deprive a citizen of the right to vote or hold office, or the right to free schools.

Sir, the word of a great nation should be kept; the word of a great State should be kept. The word of a great State will be kept. When it is properly presented to the people of any State that they have agreed to certain conditions, signed certain stipulations, there is no State of our Union that will go back upon its honor and upon its word. There is enough of liberty, enough of intelligence and virtue, and regard to truth and to contracts, in the people of the various States to stand by their pledged word. As an evidence of this I may refer to those States of the Union where the Democratic party have had the power to carry out their propositions of repudiation. The people in every State have with manly independence and virtue said that every dollar of our debt shall be paid, so

that repudiation itself is no longer a stain upon our national character or upon the character of any State.

Mr. President, am I to be told that a fundamental condition in favor of human rights is unconstitutional? Look at the monstrous proposition—that a fundamental condition in favor of human rights and human liberty is unconstitutional! Having been a lawyer myself, and accustomed to quote precedents, I know you can find as many precedents on one side as on the other. I will undertake to say now that you may hand me Vattel in favor of a certain proposition of international law, and read it to me, and I will find on some other page a contradictory proposition. When I was practicing law the judge of the court used to say to me, "Well, I have examined this case; I have studied it; and I think the weight of precedent on the other side." I knew he had not read anything of the case at all; but it was sufficient for him to state that the weight of precedents was on the other side. The lawyers had read precedents for and precedents against, and the judge had taken a nice supper and a comfortable sleep and got up in the morning, and said that he thought that the weight of precedents was on the other side; and that is the history of our jurisprudence in this country.

But, sir, what I object to is that these decisions have hitherto up to a certain period been in the interests of human slavery. What was it but these precedents that filled Kansas with blood? It was the notion that under the Constitution of the United States every owner of slaves had just as much right to take his slaves into Nebraska as he had to take property of any other kind, notwithstanding the Missouri compromise. But, sir, I thank God for the Missouri compromise. Mr. Clay may well have said that when the Missouri compromise passed the bells were rung and the cannons were fired and every demonstration of joy was made throughout the Republic on account of its passage; and Mr. Douglas, in his brighter and better days, may well have said that it was a sacred thing, akin to the Constitution of the United States, receiving the approbation of every section of the country, and that no ruthless hand should ever

disturb it. But sir, whether it was constitutional or not, it saved the territory north of $36^{\circ} 30'$, of which Kansas was a part, to freedom as the Ordinance of 1787 had dedicated to freedom those five grand States in the Northwest, where there is now unbounded prosperity; where the people are happy, proud, and independent; where agriculture is having millenium; where, as in my State, railroads permeate almost every county. That ordinance saved my noble State from the everlasting curse of human bondage. There she stands, and there all the northwestern States stand, secured to freedom forever. That is the effect of conditions, whether constitutional or not, because the people of the nation will keep their word.

You well remember, sir, that petitions came from the Territory of Indiana for the repeal of the Ordinance of 1787, or for the suspension of its provisions so as to allow slaves to go there, not in perpetuity, but under a lease for ninety years, and that Mr. Randolph, of Virginia, rose in his seat in the House of Representatives, and said, "No, sir! Virginia gave this Territory to the United States and to the Northwest. She declared that it should be forever free, and there shall be no form of human slavery within its limits." You well remember, sir, that in the State of Illinois and in other States of the Northwest there were attempts to alter the constitutions of the States so as to make them slave States, so that men might bring slaves to Illinois instead of to Missouri, but they failed; the Ordinance stood like a wall of fire against the introduction of slavery into those Territories and States.

These are facts sustained by history, and they show the power and potency of these enactments. Why, sir, if I remember aright, the Congress of the United States would not receive Illinois into the Union until she had passed a law adopting the Ordinance of 1787. I wish I had time to read the remarks of Mr. Webster on that Ordinance and as to its effect it had upon the country and the institution of slavery. I will read what he said as to its origin:

An attempt has been made to transfer from the North to the South the honor of this exclusion of slavery from the northwestern territory. The Journal, without argument or comment, refutes such attempts.

The cession by Virginia was made in March, 1784. On the 19th of April following a committee, consisting of Messrs. Jefferson, Chase, and Howell, reported a plan for a temporary government of the Territory, in which was this article :

"That after the year 1800 there shall be neither slavery nor involuntary servitude in any of the said States, otherwise than in punishment of crimes whereof the party shall have been convicted."

Mr. Spaight, of North Carolina, moved to strike out this paragraph. The question was put according to the form then practiced, "Shall these words stand as a part of the plan?" New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania, seven States, voted in the affirmative, Maryland, Virginia, and South Carolina in the negative. North Carolina was divided. As the consent of nine States was necessary, the words could not stand, and were struck out accordingly. Mr. Jefferson voted for the clause, but was overruled by his colleagues.

In March of the next year, (1785,) Mr. King, of Massachusetts, seconded by Mr. Ellery, of Rhode Island, proposed the formerly rejected article with this addition: "And that this regulation shall be an article of compact, and remain a fundamental principle of the constitutions between the thirteen original States and each of the States described in the resolve." On this clause, which provided the adequate and thorough security, the eight northern States at that time voted affirmatively, and the four southern States negatively. The votes of nine States were not yet obtained, and thus the provision was again rejected by the southern States. The perseverance of the North held out, and two years afterward the object was attained.

Mr. President, it is idle to talk about a family of a dozen children with no father, no mother, no guardian, no umpire, nobody to decide, nobody to compel obedience; but it is no more idle than to talk about fifty or a hundred States, as we shall have when we number one hundred million people and have a whole cordon of States stretching from the Atlantic to the Pacific, with the institutions of freedom in our hands, with all the ten thousand blessings of Christian civilization at stake, with all that is beautiful to think of and fearful to dread committed to our charge. When we remember, as is the fact, that the "star of empire," the noblest and the last, is to be established between the Atlantic and Pacific upon those mighty western plains, and that the power of the continent is to be there, are we to have one hundred States, each sovereign in itself, each claiming the right to govern all the others, passing different laws? Strife will surely result from such a condition of affairs, and our late war will be but feeble compared with the mighty enginery and gigantic operations of that great war which will ensue if such a condition of things be permitted.

On the other hand, I stand where the Republican party stands to-day. All the old decisions tainted by slavery, all constitutions, laws, and institutions in aid of slavery are swept away. The opposition that is now raised against this position is but feeble, and it is futile ; it is against fate. By the kind providence of Almighty God we live in an eventful period of the world's history. Mr. Webster thanked God that he lived in an age when there was so much of prosperity, so much of education, so much of freedom ; but Mr. Webster did not live to see the day when slavery was blotted from the face of the North American Continent ; he did not live to see the day when from the Atlantic coast we could reach California by a railroad ; he did not live to see the day when, by the use of lightning, we could send messages traversing the bed of the ocean. Sir, we have lived to see that day ; but we have not yet reached the culminating point of freedom. Already in some of our States we see propositions to strike out the word "white" from their constitutions ; and the time is coming speedily, yea, it is at hand, when this Government must conform its practice in all respects to the theory of a pure republic.

I took no part in the controversy between my colleague [Mr. TRUMBULL] and the Senator from Massachusetts, [Mr. SUMNER.] All know the estimation in which I hold my colleague. All know that I have been his friend forever. All know that I regard him as a true friend of the Republican party. The only difference he and I have had has been as to the field of operations. My colleague unfortunately belonged originally to the Democratic party, and he was schooled in its theories and in its doctrines. While he does not say that State rights are the main things to be looked to, or that State sovereignty is absolute, yet he wants to preserve those old forms and traditions that have come with him from his early education. But he has been the more useful to us perhaps on that account, because he has brought over from the Democratic side men by regiments and by platoons, not only to support the war, but to advocate and maintain the principles of the Republican party, and to-day he stands peerless in our State and before the world as one of the most noble, efficient, and able advocates of the

cause in which we are engaged. On the other hand, the Senator from Massachusetts of course needs no encomium from me. A question was raised the other day as to whether he was the author of a certain measure or proposition. I did not know whether he was or not, but he had advocated those principles of everlasting and vital truth which entered into that proposition; he had prepared the public mind for it, and if he was not so fortunate as to be the clerk who wrote it out, I am sorry for it; but it only showed that he was not anxious for his laurels.

Mr. President, so far as the sentiments of that Senator are concerned they are already written upon the frontispiece of our legislation, not so much in laws drafted by his own hand as in the constitutions of States, in the proceedings of this body, in our usages, in our sentiments. No man shall wear a taller plume than he who has borne aloft not only the flaming cimeter of the Constitution, but with the banner of the Union over his head, has always battled in favor of human rights and liberty. I take no part in this controversy so far as it is personal, and I hope I may be forever hereafter protected from any personal allusion.

Sir, we must have one uniform standard in this country, so far as the rights of men are concerned, or else there is no equality of citizens or of States. Look at the provisions of the Constitution which tend to secure this equality. The Constitution provides that no State shall enter into any treaty, alliance, or confederation; that no State shall, without the consent of Congress, lay any imposts or duties on imports or exports; that no State, without the consent of Congress, shall lay any duty on tonnage, or keep troops or ships of war in time of peace, or enter into any agreement or compact with any other State or with a foreign Power. No State can confer or create any title of nobility. By the Constitution the citizens of each State are entitled to all privileges and immunities of citizens in the several States: and to crown all, the duty is imposed upon the United States to secure the blessings of liberty and to

guarantee to every State in this Union a republican form of government.

All these provisions of the Constitution are based upon the Declaration of American Independence. The only stain, the only ink-spot upon the Constitution of the United States is the accursed crime of human slavery, which has controlled the decisions of this country, judicial and political, State and national, for so long a period. It has gone to the extent of dividing churches and dividing communities, all to gratify the mere pride and ambition of man, just as though the weak and the poor were not entitled to rights in this Government as well as the wealthy and the powerful. If the man is weak, the more we should protect him. If he is ignorant, the more we should ascertain his wants and seek to provide for them, and the more likely he is to know what they are, and to vote so as to care for them. The black man who cannot read or write knows his wants and can vote for them just as well as the distinguished Senator from Kentucky [Mr. DAVIS] can for his rights. I do not say that for the purpose of drawing any odious comparison. I only say that the Senator from Kentucky has no right to vote for the black man, but he should vote for himself. The one has rights inalienable, God-given from heaven, just the same as the other, and each has the same right to represent himself at the ballot-box.

You may ask me, then, what will become of this Government if the ignorant are all to vote? Did you ever object to Irishmen voting when they landed in this country? Have they not been drawn from the wharves upon landing and carried to the polls blindfold to vote the Democratic ticket? Have you ever imposed any condition upon the uneducated in the State of Kentucky? I am a native of that State, I am proud that I am a native of Kentucky; but there are persons there who cannot read and write. If the honorable Senator from Kentucky were to send the speech that he made yesterday to some of his constituents on Eagle creek, they would raise their eyes in horror; and yet they are American citizens, and they have the same rights and they came from the hands of their Maker just as good

as the distinguished Senator from Kentucky. I refer to him simply because I happen to see him in my view ; not that I would compare their ignorance with his high learning, his eminent ability, his long experience, and his great distinction, not only as a lawyer but as a civilian and statesman. I refer to it only to illustrate the position which I assume.

Mr. President, the signs of the times are not ominous to me. Secession, it may be, will raise its face around the Senate Chamber, but the decree has gone forth that now and for all time freedom is the rule, and all constitutions, all laws, all government, and all institutions must conform to that rule. Six years ago, in the State which I now represent, I was the only person to raise the standard of universal suffrage. I did not expect to see that grand consummation so soon, and it has taken me by surprise, but the revolution is complete. There is no opposition now ; it is decided, and henceforth, sir, do not be afraid of decisions of the Supreme Court ; do not be afraid of the action of legislative bodies, for judges, like politicians, smell the breeze afar off and conform their opinions to it. But, sir, whether the Supreme Court stands in the way or not, there is a spirit and a power in this enlightened age which will compel conformity to truth, right, justice, and liberty. The day will come when the Dred Scott decision will almost be hung up as a monument of hatred to the people of the United States, when the old decisions in Kentucky and Illinois and other States in the interest of slavery will fade away, because "truth is mighty and will prevail." God rules and justice shall prevail.

Mr. President we must have one standard of American citizenship. We cannot have it with the jurisdiction of fifty or a hundred States in full play and operation. They cannot agree ; some will exclude one class and some another. But, sir, now there is not a free State—I am not talking particularly about the slave States—the constitution of which has one relic or particle of human despotism in it that will not be altered or amended to meet the crisis of this mighty age of human progress in which we live. We must have one standard of American citizenship ; we must have the States coming in on an

equality. The States must come in on an equal footing—not States half republican, some imposing a property qualification, some imposing the qualification of reading and writing, and some going back and instituting human slavery as the test; but we must have from the Atlantic to the Pacific a mighty empire where all shall be equal, where the Chinese themselves shall only have to become American citizens, shall only have to conform themselves to the institutions and laws of the country to be protected in all their rights. I am not afraid of this trial of republicanism.

This land is to be the theater of mighty contests, of great collisions of mental ideas, of mental forces and powers. We are to have here all races, and we are to have a grand contest. I expect to see in my own town a Chinese temple raised opposite to the church where my own family worship. There is to be a mighty collision of moral ideas and forces and powers; but Christian religion and this grand old Government of the free, established by our fathers upon the principles of human liberty and equality, will go on triumphing and to triumph. It is based upon the only doctrine on which man can be happy and yet have equal rights—a Government of majorities, a Government where all men are equal, and where there is no superior but God alone. To secure the realization of this theory in all its completeness and grandeur is our destiny; and when it is achieved there will indeed be a triumph of “Liberty and Union, now and forever, one and inseparable.”

Sir, these are not the words of the moment, but they are the thoughts of thirty years of public service. In all the contests of political strife and ambition I foresaw this day, as I think; but whether I did or not it is now history, and this land is free from ocean to ocean and from lake to gulf.

SPEECH

OF

HON. RICHARD YATES,
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Delivered in St. Louis, Nov. 1st, 1872.

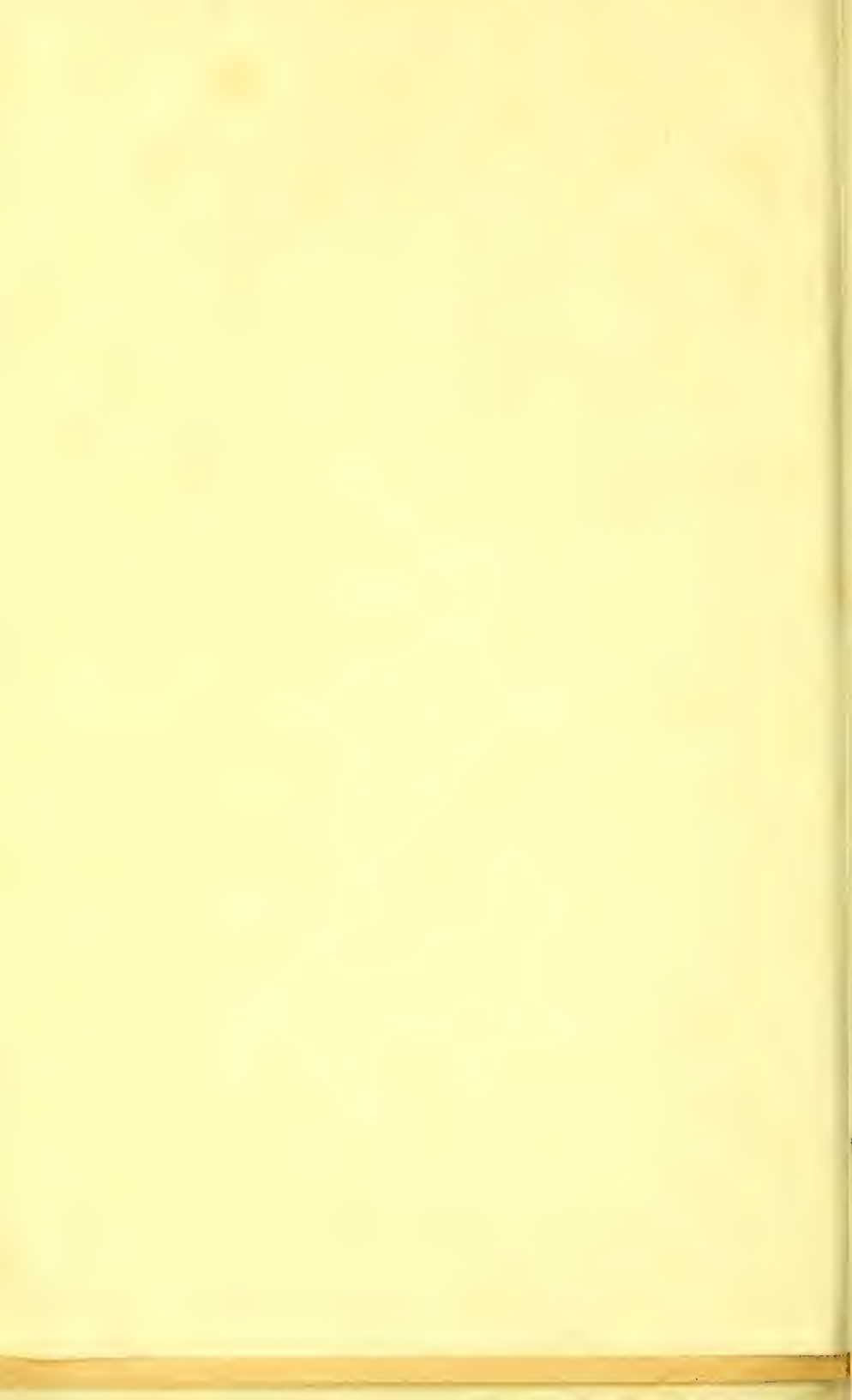
This speech is published by friends of Governor Yates, and is copied from the *St. Louis Democrat* of November 2d, 1872, which paper says:

"To-day we publish what we may call the closing arguments of the campaign—the speech of Hon. Columbus Delano, at Sedalia, and the speech of Hon. Richard Yates, in this city. Nothing that we have seen has equaled the plain logic of the former, or the electric power of the latter, Mr. Delano gives us the argument of a statesman quite as forcibly as Mr. Yates gives us the appeal of an orator. Both together make the best campaign literature of the season, and we commend them both to the attentive reading of those who would do a patriot's work at thinking now, and a patriot's work at voting on Tuesday."

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1873.



176

SPEECH OF
RICHARD. YATES.
TO A LARGE MASS MEETING
In St. Louis.

NOVEMBER 1ST, 1872.

For thirty years I have been in public office, and almost before every election have made many speeches, but on account of sickness of my family and myself, this is the first speech I have made this canvass. You may ask why I do not make it in Illinois, my own State? My reply is that Illinois is not debatable ground, for on the 5th of November, if ballots could speak, you would hear thunder louder than the booming cannon's earthquake voice of 60,000 majority for Grant, Wilson and Oglesby. [Cheers] As it is said Missouri is debatable ground, I thought I would accept the invitation offered me to say something in my feeble way why the 50,000 voters of this magnificent city, and why the great commonwealth of Missouri should cast their votes for the great party of progress, justice, liberty and union, and for their noble standard bearers—Grant, Wilson, and John B. Henderson.

When I see such demonstrations I feel that the Republic is safe. It is an old saying, "if you want anything well done, do it yourself." If the people wish to be well

governed they must govern themselves. They seem to be doing that very thing.

THE PAST.

Mr. Greeley in his letter of May the 20, 1872, accepting the Cincinnati nomination, says of the platform of that convention, that it is "a platform which, casting behind it the wreck and rubbish of by-gone contentions, and by-gone feuds, in a word as embodies the needs and aspirations of to-day." And Schurz says, "great parties cannot live on the past, but must live in the living present and mighty future."

Now who ever heard before of a party begging that its past record should be forgotten—holding it up as a merit that they ignore the past. No wonder they would blot out the past, "bloodiest picture in the book of time," that record of the Democratic party. They confess our measures for emancipation and equality, and declare that they won't go back and re-open the questions decided by the constitutional amendments: but I cannot see how the confession of their past sins necessarily proves that even before their tears of penitence are dry, they must become the leaders and teachers of those fellows who have brought them to their milk.

I cannot see for my life how we can get rid of that test, which we recognize in all the business concerns of life, in considering past actions as pretty strong evidence of future conduct. That this shall be the rule to govern parties and nations, I shall believe, as long as I remember the speech of the great Virginia orator, Patrick Henry, in which he thundered the words, "Cæsar had his Brutus, and Charles the First his Cromwell, let King George profit by his example," but in which same speech he said words more worthy of our remembrance:

"EXPERIENCE IS THE LAMP

by which our feet must be guided." How are these Democrats to get rid of the past? A story was once told me of a good son of the Emerald Isle, who was a deck hand on board of a sailing vessel on Lake Erie. The

Captain, who was at the helm, said to him one night : "Jimmy, I want some sleep, and you must take hold of the tiller. Do you know anything about navigation, Jimmy?" "Not much," said Jimmy. "Well, said the Captain, do you see that star? Keep her head in that direction." Yes sir, said Jimmy, I will try and keep her in that *coorse*." So the Captain went to sleep. Jimmy did well for a time, but by and by it grew a little cloudy and stormy; and when the storm had cleared away somewhat, and Jimmy looked again for his star, Lo, it was behind him! He turned around much alarmed and said "wake up Captain, wake up, and give me something else to steer by, for I'm past that." [Laughter.] Now my friends, Liberals and Democrats, you are not past THAT BRIGHT REPUBLICAN NORTH STAR. You must steer by it—it's you that's turned, not the star.

The Republican party stands proudly up, with port and frame erect, and says: Look at my past and present, and from them read the horoscope of the future. Henry Wilson told you its mission would not be ended for a centry to come. I say to you its mission will never be ended while there is a wrong to be redressed, a good to be promoted, and the principles of civil and religious liberty are to be advanced and maintained. It is the grandest party in the tide of times. Its achievements blaze with luminous luster along the age.

Dr. Franklin said whoever introduced into the politics of this world the principles of Christianity must, *necessarily*, rule the world. The Republican party seized this principle, the universal fatherhood of God, the universal brotherhood of man; it planted itself upon the indestructable platform of Christian statesmanship; it seized the weapons of emancipation, equality and justice; its grand aim was to secure to every man his God given, inherent, inalienable rights of equality before the law; his equal right in making the laws by which he is governed, and in selecting the agents who are to make and administer the laws, so that the man of

every race and nativity, whose face is black from delving in the mines, grubbing in the streets, whirling the spindle—the apprentice in the shop, or clerk at the merchant's counter, has the same voice in public affairs as the proudest millionaire who lives in luxury and ease. The Republican party lays its hand on the next greatest statesmanship, which is common sense—and reaches out to the common people and lifts them up. God bless the common people, for they are the aristocracy of America. I say the Republican party, with its foundation stones deep laid on the golden rule.

LOVE THY NEIGHBOR AS THYSELF.

is a glorious party : a child in years, it is a giant in statute; born at Blomington in 1856, not yet twenty-one—yet under age, it votes three and a half-millions. It is a progressive party. It does not fight on the defensive. It moves on the enemy's works : it hangs its banners on the outer wall and shouts "Once more unto the breach, dear friends, or fill the walls with the opposing dead." It lays hold of old prejudices and political superstitions, and scatters them into a thousand fragments. It seizes hoary-headed old party organizations, rioting in the corruptions and spoils of office, and tramples them beneath its feet. It crushed to atoms the inhumanity of the Democratic party, and tore down its pillars of power, built on guilt and human bondage. It passes through scenes where anarchy rears its unsightly form and confusion ceases. It passes through Ku-Klux hell-fire, and snatches the red torch and flaming brand from the burning dwellings; and the poor and the slave look up with unshamed brow and unblanched cheek; it builds the school house and the church, and unseals the fountains of knowledge; it lays hold of the fetters of oppression and they are riven asunder. It holds in its hands the riven chains of 4,500,000 bondsmen, and of a whole race set free.

The Republican party snatched slavery from the Constitution, and filled up the chasm with the Declaration of Independence. Slavery in the Constitution wrote

"lie" across the face of the Declaration of Independence. This was a monstrous denial of the philosophy we taught—self reproach and humiliation at home, and a blot on the fair escutcheon of the nation to which despots pointed to blot the power of our example among the nations of the earth. The Republican party struck it and it fell; the genius of Christian civilization and the light of the nineteenth century blazed upon it and it faded away.

SLAVERY TORN UP BY THE ROOTS,

treason crushed, the Union saved, in war victory, in peace prosperity—and on its coat of arms the heraldic blazonry of union, liberty, justice, universal emancipation, universal suffrage and universal enfranchisement.

Go back to the auction block, the accursed chatteling of human beings, the tearing asunder husband from wife, the mother from child; the lash, the revolver the bowie-knife—rivers crossed, mountains climbed, and yet no escape from the pursuing blood-hound, no escape from the fugitive slave law, no local self-government, no habeas corpus, no State rights in the free States for Burns or Simms, or the flying slave. But now not a solitary slave clanks his chains on one inch of American soil. [Tremendous cheers].

Thanks to the early pioneers in the cause of liberty: thanks to Theo. Parker, to Wm. Loyd Garrison, to Wendell Phillips, Henry Ward Beecher, Henry Wilson and all those anti-slavery veterans in the dark and direful days of persecution: thanks to Grant and Sherman, and Sheridan and Farragut, and to our boys in blue and our sailors on the sea; thanks to all who labored, who contributed, to all who achieved, who fought and who fell: thanks to freedom's immortal martyr, Abraham Lincoln, and thanks to God for thus lifting up to light, liberty and American citizenship, a whole race of God's down stricken poor.

The Republican party abolished the slave trade in the District of Columbia, it abolished slavery in the

District of Columbia, it repealed the fugitive slave law, it dedicated Kansas and Nebraska, and all that boundless territory far off to the setting sun, to everlasting freedom, to free soil, to free labor, free speech, free schools, free homes and free men forever. It swept with swift,

MERCILESS, RESISTLESS HANDS

the infamous black laws from all our statute books, State and National. [Applause.] In self defensive, unavoidable war, it raised, equipped and led our victorious armies, crushed foul revolt, overthrew hostile and treasonable governments, drove disunion into his den, and replaced every wandering star in its place on our glorious flag.

In the Thirteenth, Fourteenth and Fifteenth amendments, it wrote with a pen of imperishable steel, into constitutional and eternal law, emancipation, and equality, and security of life, liberty and property of every citizen in the land.

It has given to the soldier his bounty and lands; to the widow and the orphan pensions, and, to the poor and homeless, homes on the public lands, who have their cottages on the mountain tops, on the hill sides, in the valleys low and on the banks of our rivers, so that the traveler to the far west exclaims, "How beautiful are thy tents, O Israel!" It built the Pacific Railroad, and brought to our doors the rich products and

THE ACCUMULATED WEALTH

of 6,000 years, and of the 600,000,000 people of Asia and the Indies. [Great Applause.]

It took a mighty national debt into its grasp, and is paying it at the rate of \$100,000,000 per annum. It reduced our taxes, increased our revenues, gives us the best currency in the world, adopted the most humane Indian policy, secured our rights from England by peaceful arbitration. It has given us peace and honor with all the nations of the world, and unbounded prosperity, imperial power and proud position at home.

There have been deserters, but its rank and file are unbroken, and as in its glorious past, so in its splendid present; buoyed up by a living faith in its correct principles, and upheld by convictions deep imbedded in the popular heart, it moves onward in the unshaken confidence of certain and glorious triumph. All hail. [Cheers.]

But, fellow citizens, while Mr. Greeley says let the past be forgotten, and let by gone issues and contentions be left behind as wreck and rubbish, does he not open the old question of "State Rights," which has been the

GREAT ELEMENT OF DISCORD

since the beginning, which Washington called a "monster" then, and which opened the late tragedy of blood and civil war; Hear what Mr. Greeley says in his letter accepting the Cincinnati nomination. Mr. Greeley says: "That there shall be no federal subversion of the internal policy of the several States municipalities, but each shall be left free to enforce all rights and promote the welfare of its inhabitants by such means as the judgement of its own people shall prescribe."

What is this issue but nearly all the past of this government? Here is that old monster of discord, the father of nullification, of secession, of civil war, the wide open gate of disunion. Is not this what Calhoun wanted when he said the general government should not collect customs in South Carolina that it was federal supervision of State rights, and which came so near disruption that General Jackson had to send General Scott to Charleston to enforce the law, and had to say to Calhoun, "if you resist I will hang you, sir; this Union must be preserved." [Applause.] It was the cause of the late rebellion. All wise statesmen shrink from it because it not probable merely but necessarily leads to strife; because it confronts two antagonisms, like those of freedom and slavery. It antagonizes the idea of one national sovereignty, and thirty-seven sovereignties, which is simply impossible, Mr. Greeley says, lay

aside past issues, and yet revives this old corpse of discord with disunion stamped upon its skeleton face, and which has three times shaken the very

FOUNDATION ROCKS AND PILLARS

of our temple of liberty. [Sensation.]

It is not true that the Republican party proposes in any way to interfere with proper matters of local self-government. It is a plank in the Philadelphia platform that the States shall be protected in all their rights. One of the most palpable things to every American statesman is that, with a territory so vast as ours, stretching over so many degrees of latitude and longitude, it is utterly out of the question for a remote central power at Washington to know or legislate for the wants of so many remote localities. Henry Ward Beecher expresses the idea well by saying: "You cannot build a shield from New York to the Pacific Ocean which will bear the lift without fracture, unless you build it with joints in it." Local self government in the State, county or town is of great advantage in promoting education, building railroads, and for an hundred purposes which is no business of the general government. It is of the very genius of our institutions. Each locality must have its own way in matters which pertain to itself. But the nation must have control in matters pertaining to the nation—the rights of all must be placed under the protection of all. The reason why we must have a common standard of citizenship, is because the citizens who elect local officers also elect the President and Congress. The nation must have power to protect all its citizens. [Applause.]

Mr. Sumner once said: "The essential condition of our national life is one sovereignty, one citizenship, one people."

Why are the other States in the Union interested in the voter being protected in Louisiana? Simply because his vote might decide who would be President, or mem-

ber of Congress, and might decide the whole policy, and, may be, the destiny of the nation.

Suppose the electoral vote of Louisiana had been the casting vote for President in 1864. If this had been the case, then the fraudulent deprivation of the rights of the citizen in a single State would have thwarted the will of all. [Sensation.]

Read what Mr. Greeley said in his speech in New York, about a year ago, on his return from the South, about the vote of Louisiana and the Ku-Klux.

"Why, fellow citizens, these very men who ask me if I saw the Ku-Klux read the returns of the last Presidential election in Louisiana when the State, with 30,000 black majority on its registers, was made to vote for Seymour and Blair to more than 30,000 majority. Counties which had more than 3,000 colored voters alone gave three, two and one, and in several instances no vote at all for Grant and Colfax. Now, every one knows perfectly well that this result was secured by terror, and by violence, by saying to these black men: 'You shall vote for Seymour and Blair, the enemies of your fundamental rights, or you shall not vote at all, or you shall be killed.' That was the way Louisiana was made Democratic in 1868, and that is the way I trust she will never be made to vote again."

THE KU-KLUX LAW AND CENTRALIZATION.

Fellow citizens, much is said about the Ku-Klux law, and it is referred to as evidence of a disposition on the part of the government to centralize the power of the government, and yet, of all the men in the nation, Mr. Greeley was loudest in favor of the passage of that law.

In the same speech just referred to, he denounces the Ku-Klux in strong terms, and advocates the Ku-Klux law, and says it is not sufficient to rely upon State laws for the suppression of Ku-Klux violence—He uses the following strong language.

"Do you tell me that these men are liable to State

laws for the assaults and batteries that they have committed? I do not doubt it, but I say they are also in substance and performance traitors to the government, rebels against its authority, and the most cowardly, skulking rebels ever known to this or any other country. I hold our government bound by its duty to protect our citizens in their fundamental rights, to pass and enforce laws for the extirpation of the execrable Ku-Klux conspiracy, and if it has not power to do it, then I say our government is no government, but a sham. I therefore on every proper occasion, advocate it and justify the Ku-Klux act. I hold it especially desirable for the South, and if it does not prove strong enough to effect its purpose, I hope it will be made so."

The Congressional Committee of Investigation showed that this Ku-Klux organization extended through eight States—armed organizations, ruffians, maurauders, cut-throats, clad in the habiliments of fright, that up to that time

SEVEN THOUSAND

peaceful and loyal citizens had been murdered, and thousands whipped, beaten and lamed. Many of the most prominent citizens were murdered. They went into the cabins of the lowly and the poor, and took, amid the screams of women and children, the father and the husband and hung him upon the first tree. Ghastly murder, rape, violence of every hue, deeds of blood, shocking in the sight of God and man, all of this mostly to prevent Union men from casting their votes for the Republican ticket. But few comparatively of these men were arrested, and those who were arrested under the State laws were set at liberty by the Judges on writs of *Habeas Corpus*, or discharged by jurrors guilty themselves of the same offenses. And now when Congress, under the Fourteenth Amendment, passed a law to suppress these outrages, and President Grant sent force sufficient to suppress them, we are told that it is an encroachment of the right of self-government;

that it is centralization. We are not only told this, but Mr. Greeley, for the sake of the Southern vote, in his letter of acceptance, gives us to understand that he will not execute any law for the preservation of order, but that the preservation of order in each State must be left to the laws and authorities of the States themselves.

Fellow-citizens, the Republican party gives notice to Horace Greeley, and to all the Ku-Kluxdom, that as the Constitution was amended to give

PROTECTION TO ALL AMERICAN CITIZENS

in the United States, that every citizen of the United States, whether in going to the polls to cast his vote or whether quietly reposing in his home, shall feel that he is not solely dependent upon unable or reluctant States, Governor, Legislatures and Judges for protection, but that the solid power of a centralized nationality extends over him to shield him from murder, outrage and violence. [Tremendous Cheering.] General Grant has entitled himself to the gratitude of every foreign born citizen, and to the applause of all good men everywhere, by having succeeded in having the principle recognized by the governments of Europe, that any foreigner, who becomes a citizen of the United States by naturalization and returns to his native land, shall not be, as heretofore, liable to be arrested for military or other duty there, but shall have all the freedom, and be treated in every respect as a native born American would be. [Cheers.]

It is now an exultant thought that our government extends the shield of its protection to every American citizen wherever he may be, at home or abroad, on the land or on the sea; wherever the American flag floats on any continent, sea or island, under the whole heavens, it carries with it the proud supremacy of American law, and complete and ample protection to every American citizen in the enjoyment of all his rights. The exclamation "I am an American citizen!" is the tailsman of protection. Twenty years ago, when Martin Kosta, a Hungarian, a

naturalized citizen of the United States, was arrested by the authorities in the city of Smyrna, in Asia Minor, for some political offence, and he appealed to the American Consul, and Captain Ingram demanded his release, he was given up, and Austrian officials

STOOD BACK IN TERROR

before the flutter of the Stars and Stripes.

Shall the prison doors of imperial Spain fly open to Dr. Howard, upon the demand of the President, and yet the government stand supinely by and see its own citizens murdered in cold blood merely for political opinion's sake?

Senator Trumbull complimented Governor Palmer for changing the name of "State rights"—and calling it by the new name of

"LOCAL SELF-GOVERNMENT."

Now, to show to what ridiculous extremes this pretension of "local self-government" was carried, remember that when wild dismay came on the people of Chicago, and helpless age and feeble infancy, and stern and rugged manhood stood back in fright before that storm of universal fire, which swept away the accumulated wealth of half a century of toil, burrying palatial edifices, sanctuaries of religion, temples of justice, halls of learning, seats of trade in one mighty cemetery of undistinguished ruin, and when the demon of pillage and plunder was doing his work—when at such a time Phil. Sheridan (without first reading the resolutions of '98, or Calhoun on State Rights), rushed to the rescue, it was deemed such an outrageous interference with local self-government" that Governor Palmer made that a leading point in his letter declining to run on the Grant Republican ticket for Governor, and went right straight off to the Democratic party. [Laughter and applause.]

DISCUSSION.

Fellow-citizens, there is something most alarmingly strange in the present canvass. Perhaps there is not a Democrat who hears me to-night, who would not have

been insulted five years ago, if I had told him that he was a disunionist, or that in the year 1872 he would vote for a disunionist for President. I had been taught so to love and revere the Union in all my school books, and in the history of my country, that I regarded a disunionist as a monster, and even up to the close of the war I believed that for this great crime, the overt act of disunion, Jeff. Davis would be hung. Is it not strange then that now nearly one half of our countrymen are arrayed for an avowed disunionist for President?

There might have been some doubt as to Mr. Greeley's views at the present, but his recent Pittsburg speech revealed all. [Applause.]

In November, 1860, just before Mr. Lincoln took his seat, and often between that time and the close of the war, Mr. Greeley said that whenever a majority of the people of a State, or of any number of States, desired to sever their connection with the Union, they had a right to do so, and that the United States had no right to coerce them to remain in the Union. He went farther than the leaders of the rebellion, who contended that the States had the right of secession by virtue of their State sovereignty, but Mr. Greeley again and again said that they had a moral and inalienable right to withdraw from the Union, just such a right as our fathers had to declare the colonies independent of Great Britain. There can be no doubt that had Mr. Greeley been elected President instead of Mr. Lincoln, that the Southern Confederacy would now be a fact, and slavery forever and immutably established as the corner-stone of the new empire.

These views of Mr. G., perhaps more than any other, more than his offer of compensation for slaves, or bailing Jeff Davis, or his vaunted protestations of amnesty—influenced this Southern Democracy so strongly in his favor at Cincinnati, though they all had their influence. [Cries, "That's so."]

I, myself, heard Frank Blair say in the Senate, on

the 17th of February, 1871, when he had as little thought of ever supporting Horace Greeley for President as he has now little expectation of his being elected, that Alexander H. Stephens of Georgia contended with great eloquence in the Georgia Convention against the secession of his State, and that the only reply was a paragraph read by Mr. Toombs from the *New York Tribune*, in which it was declared that if the Southern people choose to secede, they had as much right to separate themselves from the Northern States as our ancestors in 1776 to separate themselves from the mother country.

Mr. Blair further said that he read the paragraph at the time, and that it did more to discourage Union men in the South than any thing that occurred at that period: that the sentiments of Mr. Greeley were hailed by the secessionists, because it led them to believe that they could go out of the Union in peace, without coercion to restrain them; and that Mr. Stephens only failed by a few votes in preventing the secession of Georgia, and that Mr. Greeley was more responsible for

THE BLOOD THAT DRENCHED THE LAND

than any other man. [Sensation.]

There is no evidence anywhere that Mr. Greeley has ever retracted any of his secession, disunion sentiments, and now the country is startled by his declaration at Pittsburg, the day after 40,000 survivors of the war, who had fought to save the Union, met at that place in the Soldiers and Sailors Convention. Hear what he says: "Fellow citizens! I demand that there shall be open, free discussion before the Southern people. If, after an honest, unterrified, unconstrained vote, they prove that the people of the South say they want disunion, *I will consent to it.*"

Now, are the people of Missouri ready to cast their votes for an avowed disunionist? Will they so soon forget what this Union has cost—how much treasure?

Will they so soon trample sacrilegiously upon the graves of our immortal revolutionary dead, and insult the memories of the 300,000 patriots who fought and who fell in the late war to save our Union? [Applause and shouts of "No, no."]

Now before me in this large and intelligent audience, there are men born, as I was, in a slave State, and a large majority of those here understand the feelings of the Southern people. How long, let me ask them, if Mr. Greeley were elected, before the discussion which Mr. Greeley invites would commence? Who can doubt that a majority of most of the Southern States would prefer peaceable disunion, to remaining in the Union and being taxed to pay the Union debt while their debt is unpaid, to paying the losses of Union men by the war while theirs is unpaid? To paying the pensions of the widows of Union soldiers while theirs is unpaid? How long before they would put Mr. Greeley to the test and say, "you said that if after honest, unterrified, unconstrained discussion the people of the South wanted disunion you would consent to it," how long before they would say to him they wanted it, and how could he refuse it?

WHAT IS THIS UNION?

It is the priceless gift of those men who struggled round about the camps of liberty "in days that tried mens souls;" those old men who came with their wounds bleeding fresh from the battle fields of the Revolution—with their locks dusty and hoary, and their sandals worn, from those fields of blood. [Tremendous cheers.]

Washington, in his farewell address, said: "The Union was the main pillar in the edifice of our independence; the paladium of our liberties; the support of our tranquility at home, of our peace abroad, and of that very liberty we so highly prized." He said "it was easy to foresee that from different causes and quarters much pains would be taken and many artifices employed to

weaken our confidence in the Union, and that we should indignantly frown down any man who should even suggest a suspicion that it might in any event be dissolved."

Who, in his school boy days, does not remember those glowing words of Mr. Webster in reply to Mr. Hayne: "While the Union lasts we have high gratifying prospects spread out before us, for us and our children. Beyond that I ask not to penetrate the veil. God grant, in my day at least, that curtain may not rise. When my eyes shall be turned to behold, for the last time, the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union—on States dissevered, discordant, belligerent—on a land rent with civil feuds, or drenched, it may be, in fraternal blood."

I do not want this land disrupted, this land whose name means not the United States alone, but liberty. A friend told me this story: "I stood once," said he, "on the deck of a French steamer, smoking a cigar, when a man came up to me and asked for a light, which I gave him. He saw I was a foreigner of some kind, and he said inquiringly, 'Anglais?' 'No!' said I, as if there was a bull-dog in me. He retreated a step, and then said, 'Americane?' 'Yes,' I answered, as the heart sent a red flag up to the cheek: and as he looked at me he exclaimed, 'Liberte! Liberte!'" [Cheers.]

That is what will be said if we remain one, a united nation, prosperous at home and commanding the respect of all the nations of the world. We are scarcely known in foreign countries as States, but as a great nation.

I will not uplift the curtain to see what would be the effect, when, instead of one great nation, we would have a dozen, feeble, fretful ones, with standing armies, garrisoned fortresses, frowning batteries and bristling bayonets on the dividing line between the States. The tax collector to meet you at the water's edge and at the bor-

der lines to rifle your trunks for contraband duty-paying goods—your way to the ocean, your way to the gulf, through hostile nations, perhaps sanguinary wars, laying waste all the arts of peace—till at last desolated, impoverished and enfeebled, some modern despot would rise to lord it over the land of Washington and Franklin; the light of liberty go out, and darkness settle upon our hills; and thus to fail the most sublime experiment ever made for determining the self-governing capacity of man.

If I had the eloquence of a Curran or a Webster, I would appeal to every one who hears me, by his love of country, of liberty, by all the tender regard and hope he may have for his children and his children's children, never to vote for a secessionist. And "if in the magazines of high heaven there be one bolt of thunder more terrific or one streak of lightning more fiery than the rest, may it shiver into a thousand splinters" the miscreant traitor who would erase a single stripe or blot a single star from the hallowed flag of our Union. [Tremendous cheering, lasting nearly five minutes.]

THE DEMOCRATIC PARTY DEAD.

The Democratic party, as its leaders confess, is dead. I heard two or three persons on the cars talking about its death. One said it died at Cincinnati; another said, "no, it died at Baltimore," and it reminded me of a conversation I once heard between two friends on the subject of the small pox. One of them said "I knew a man who had the small pox twice, and he died of it." His friend asked him which time did he die of it—the time that he had it first or the time that he had it last? [Laughter.]

What a triumph for the Republican party. Whether the Democratic party at Baltimore or Cincinnati were honest or dishonest, when, in order to have any show whatever with the people, in the two very first planks of their platform they copy the whole Republican platform on the slavery question and on the new amendments

to the Constitution. They who opposed at every step, in and out of Congress; who opposed emancipation, equality and enfranchisement; who organized secession, revolt and civil war; they who, in opposition to our Union Republican doctrines, slew hundreds of thousands of the youth, flower and chivalry of the land, and brought down the gray hairs of tottering age with sorrow to the grave. They, as well as all their Northern, negro-hating sympathizers have got square-toed on our platform, so that we can exclaim: let the earth rejoice and the sons of men shout for joy that our Republican party, crowned with victory on every hand, survives to see all opposing powers come on to the platform, which, in its infancy, it adopted, and still maintains in all the strength of giant manhood. Hail! all hail, the great Republican party. [Great applause.]

But fellow citizens, there really was no sincerity in this Cincinnati platform. It was the mightiest fraud of the century—there is nothing in shamelessness in all history to compare with this conspiracy, this combination of opposing factions; of able leaders who have been opposing each other all their lives and advocating radically different measures to see them coming together, shaking hands on a common platform and nominating a man which none of them were at heart in favor of. Now who believes in this sudden conversion of the Democratic party—a conversion more sudden than that of Paul when the light shone on him on his road to Damascus? [Cries of "No one"]

"We," says the Cincinnati-Baltimore platform, "we recognize the equality of all men before the law"—Do you? That's rich. "Met out justice, equal and exact justice, to all, of whatever nativity, race, or persuasion, religious or political." But who believes you? Who believes that you, who have boasted so long and loud that this was

A WHITE MAN'S GOVERNMENT:

who believes that you are cordially willing that negroes

should vote and sit on juries after your steady opposition for thirty years?

The second plank says :

"We pledge ourselves to maintain the union of these States, emancipation and enfranchisement, and to oppose any re-opening of the questions settled by the Thirteenth, Fourteenth, and Fifteenth Amendments of the Constitution." Now if they are honest in this, why all this talk about all powers being centralized in the general government, and in another part of the very same platform maintain that the Fourteenth Amendment, which empowers Congress to preserve order and protect the citizens of every State, shall be nullified, and to use Mr. Greeley's own words, that "each State shall be left free to enforce the rights of its inhabitants by such means as the judgement of its own people shall prescribe?" Show me if you can in the lists of those men who organized secession, and who now support Mr. Greeley, and who brought on the war that they might establish slavery by eternal law—show me that in one of their conventions, or that any of their Representatives in Congress, or that any of their leading journals, admit that slavery or the war was wrong; or that, when they opposed the amendments for protecting the rights of the citizens, that they were in the wrong. No; their orators and papers boldly proclaim that the election of Mr. Greeley would be the recovery of the lost cause. There is no condemnation by them of the Ku-Klux. There is no sign of repentance, or that they would keep step to the music of the Union; and, although it is only a few years since so much Union blood was shed, swarming thousands of these men, whose forfeit lives have been spared them, are at the polls,

VOTING AGAINST UNION MEN,

and for the principles for which they fought.

Now, fellow citizens, the party in this country which by evasive platforms or in any other manner, takes

much stock in cheating* the people, is sure to come out bankrupt at the end. [Applause.]

The smartest thing in this country is THE PEOPLE. Politicians can't pull the wool over their eyes.

This conspicuous, transcendent treason to party of Schurz, Trumbull, Sumner and others could not bring a film over the eyes of the people, but has fixed a blot upon their names, which, like the spot on the murderous hand of Lady Macbeth, all oceans' waters can never wash away. [Prolonged cheers.]

As to the desertion of Trumbull and Palmer, in our State, there was no reason, for long after the wrongs with which they charged the administration had occurred they at the Republican State Convention at Springfield in September '71, commended that administration as eminently wise, patriotic and economical. Why did they not follow the Republican usage and oppose Grant in the Philadelphia Convention? Under such a usage they themselves had often been elected over good men in the party who had cheerfully submitted to the majority in convention and supported them as the nominees even against strong personal dislikes. None of these deserters have resigned the offices conferred on them by the party, or surrendered the emoluments thereof. No, fellow citizens, they struck the hand that fed them—they slapped in the face the mother who gave them milk,—they smote the party which made their names honored in the land.

Still our Illinois deserters, Trumbull and Palmer, denounced the Philadelphia Convention as packed with office holders. And yet Palmer, Trumbull and Davis had hardly left the Republican party till they all became candidates for the Presidency before the Cincinnati Convention. Every Illinoisan must have felt that Illinois was making herself ridiculous in the number of her candidates for the Presidency. As my friend Judge Gillespie, of Edwardsville, said: "A stranger would suppose that our hive contained

NOTHING BUT QUEEN BEES.

and that just breathing the air of Illinois for a short time was enough to make a man President." The ermine of the Supreme bench, the honors of the gubernatorial chair, the glories of the Senatorial chamber, all faded and grew dim before the lustrous halo of Presidential aspiration; and here they went, pell-mell, double-quick, devil take the hindmost, and—and waked up in the arms of good old Mother Greeley. [Laughter.]

Hatred of Grant, despair of getting appointments under him, and spurred on by Democrats long out in the cold, were moving causes, and perverted their hearts to see faults which friendly eyes would not have seen. The truth was, Grant was tired of their self-assumed right to dictate the policies of his administration, and of their importunities for patronage—they hung like rebellious children at the nipple, and Grant weaned them and they went off bawling for Democratic milk. [Laughter.]

Now Grant, I think, did not treat me right. I asked him for an office when I left my seat in the Senate. He did not give it to me, but I did not for that go back on my life-time record, and desert the great party of liberty, progress, union and reform. No summit of power, no place, no emolument could induce me to surrender the great principles to which I have given my life. [Cheers]

But the conspiracy did not work well. At every point it seems to have been foiled.

There were the friends of Adams, Chase, Groesbeck, Davis, Trumbull, Pendleton, Hendricks and a good many other willing souls, who didn't know but they might be struck, but scarce anybody thought of the sage of Chappaqua; but there was a Blair in the way, the same Blair that nominated himself with Seymour in 1868 at New York, by the Broadhead letter against the carpet-bag governments, and by declaring the amendments revolutionary, unconstitutional and void.

Being at the St. Louis end of the telegraph wires, Frank learned that Gratz Brown and his Missouri policy were about to give in, and that Brown was not only certain not to be nominated for President, but that his chances for Vice-President were very slim. Frank soon got to Cincinnati, and soon saw the only chance for Brown was for him to decline in favor of Greeley. [Laughter]

It was Frank who hit the owl. I must tell you the story. A man came running into a crowd comfortably seated around a tavern fire, and he said that Deacon Peabody's barn and carriage and horses were all burnt up. "Oh my!" they all exclaimed, and asked how it happened. "Well, said the man, a fellow shot at an owl up in a tree over the barn, and the wadding fell down on some hay and set fire to it." Well, there was great talk around the fire; what a misfortune! What ought to be done, &c.! There was one fellow in the corner who had kept quiet all the time, but at last looked up, and said, "Mister, did he hit the owl?" [Laughter.]

IT WAS CROW AT FIRST.

Davis' shouting legions went home with the bronchitis; Palmer's friends went home; Trumbull's and Adams' hosts were overthrown, and the great Schurz played a mournful ditty on the piano. [Laughter and cheers.] But the die was cast—the child was born, and his name was "Horace." [Laughter.] Now what a wonderfully recuperative set of fellows they were. They soon discovered that Horace was the most available man they could select. Why, by the platform fixed up, a free trade man or a tariff man could support him. Why, he had the most pliable record in the world. Why couldn't a Republican support him? said Trumbull at Decatur. And why couldn't the negroes support him? Has he not been a Republican all his life? Why couldn't the Democrats support him? said the Baltimoreites. Had he not deserted the Republican party, and wasn't he for secession in '60? Wasn't he with Jake Thompson & Co. in Canada, for peace and for paying \$4,000,000 for

slaves? Didn't he bail Jeff Davis? Wasn't he, at the end of the war, for amnesty, and mad as blazes because a Republican Congress would not let Jeff. Davis into the Senate.

Why, this was all right anything to beat Grant. But these conspirators have learned a lesson.

They have seen that a new party cannot be improvised to order by a few disappointed office seekers, nor by tirades of abuse and slander, nor by clamorous appeals to passion and prejudice: it is not, as they supposed it would be, like the uprising of the Republican party in 1856. There must be some great principle, like that of opposition to slavery, or to some foul wrong which lays hold of the popular heart and moves it in every fibre and impulse in all its unfathomed ocean depths—it is then you behold the might, the majesty of an uprisen people. [Great applause.]

The day of miracles is past. The walls of Jericho were blown down with ram's horns. "So when the seven priests blew with the seven trumpets, the people shouted with a loud voice, and the walls fell, and great was the fall thereof." But when Greeley, Trumbull, Sumner, Schurz, Fenton, Tipton and Palmer blew with a loud voice, the people didn't shout worth a cent, and the walls didn't fall a bit. Grant stock went right up. Thirteen States rolled up Republican majorities. And now prepare for the next blast, for I believe New York will utter a voice for Grant and Dix, louder than the cataract that thunders on her western borders. [Tremendous cheering.]

GREELEY ON THE TARIFF.

The main object to be promoted at Cincinnati was free-trade. This was not only the idea of the Missouri movement, but was the leading idea of capitalists in New York.

Now here was a puzzle: the question was how to construct a platform for a candidate for President who was known to be the highest tariff man in the United

States, and for a candidate for Vice-President who was just as well known to be opposed to a tariff and in favor of absolute, out and out free-trade.

Now to statesmen with less power of ready invention, with less adaption and tact to do what was required by the circumstances, with less faculty to tune into sweet harmony, jarring and discordant notes, and to statesmen of less HONESTY, in the expression of their views, here indeed was a quandary, but to the Cincinnati-Baltimore statesmen, those "Israelites indeed in whom there was no guile." The thing was "just as easy as falling off a log." In the emergency, yea in the twinkling of an eye, these modern Talleyrands proved themselves masters of the situation.

"They disentangled from the PUZZLED skein
The threads of politic, and shrewd design."

Now see how easy they "did it up brown:" how they reconciled the tariff and free trade inconcileable, and yoked in sweet fellowship a tariff President and a free trade Vice.

Why, simply by saying that the President should have no opinion on the subject of the tariff, that he should not communicate his views to Congress on that question, and that he would approve without question, and not veto any bill which Congress might pass. Let Mr. Greeley speak for himself. He says in his letter of acceptance. "Recognizing that there are in our midst honest and irreconcilable differences of opinion in regard to the respective systems of protection and free trade, we remit the discussion of the subject to the people in their Congressional districts and the decision of Congress thereon wholly free from executive interference or dictation."

Fellow citizens, in assuming this position, Mr. Greeley committed the greatest blunder, not to call it by a harder name, of his life. In this Mr. Greeley surrendered the most important prerogative of the executive department. As President he is required to take an oath

to support the Constitution of the United States, and by that Constitution it is made his duty not only to communicate his views to Congress on public measures, but also that every bill which passes Congress is to be submitted to the President, which if he *approves*, he is to sign, and which, if he *disapproves*, he is to send back to Congress with his veto, stating his objections thereto. But, he makes in his letter of acceptance a solemn covenant with the Convention that nominated him, that he will set aside the constitutional requirement, that he will not "interfere with or dictate" to Congress in its decision upon any bill, and will not veto any bill it may pass, however objectionable or injurious in his own mind it may be.

Now bear in mind that the most prominent of all the log-rolling bills which comes before Congress is the tariff. Different sections have different interests. Pennsylvania, who has iron and coal, and wants high protection for them, can say to New England, who wants high protection upon her manufactured articles, "If you will give me so much tariff on coal and iron, I will give you so much tariff upon the products of your factories;" and whatever bill this combination might make through their representatives in Congress, Horace Greeley agreed to sanction, surrendering for the sake of the Presidency one of the most important prerogatives of an independent department of the government. Like King John, who, at the behest of the barons, surrendered all the prerogatives of the crown for the empty name of King, Horace Greeley surrendered one of the most important prerogatives of one of the independent departments of the government for the sake of being President. I cannot better illustrate this surrender than by copying from the message of Governor Palmer of Illinois, what he says is the duty of the Governor when a bill has passed the Legislature of the State, asking you to bear in mind that the Constitution of the United States and the Constitution of the State

of Illinois are the same as to the duties of the President and the Governor.

Governor Palmer says : "Under the Constitution, all bills that have passed both Houses are to be laid before the Governor for his consideration, and if he approve the same, he is required to affix his signature thereto ; and if he does not approve, he is forbidden to sign, and must return such bills as directed by the Constitution, and must state his objections to the same."

"The Governor cannot, upon any ground, refuse to sign any bill, if, in his judgement and conscience, he approves it ; and he cannot, without a betrayal of his duty, sign any measure unless he approves it. His duty in this respect is as solemn as any other he is called upon to perform, and he cannot without crime, yield to the influences of fear or favor, nor to any apprehension of evil or expectation of benefit ; and he is bound at the same time to do more than fully concede to the General Assembly the right to consider his opinions when they are adverse to any bill that has received the assent of both Houses, for he is bound to assert even as against himself the just powers of the General Assembly to the extent that they are created and defined by the Constitution."

AMNESTY

On this question, it seems that the Democratic party give the people credit for very little sense. The people themselves see and know what the Republican party have done in the way of amnesty. That now all the rebels are permitted to vote, and are permitted to hold office, except 285 persons, who were members of Congress or of the Cabinet, officers in the army or navy, or foreign ministers or other diplomatic agents abroad, at the beginning of the rebellion, and who had taken an oath to support the Constitution. Now, when we look at the monstrous treason of the South, when the bloody shrouds of 400,000 of our slain soldiers passes in procession before us, and thousands of the crippled

from our battlefields, and thousands dragging their diseased and tottering frames—the poor prisoners of Andersonville, Castle Thunder, and Belle Isle, and the cold-blooded assassination of the nation's most loved and honored chief—he who had sunk deeper into the American heart than any other man, whom they had learned to love and lean upon, as friend, father, deliverer, the most magnificent man of the age, before whom every head in the civilized world was bent in reverence, freedom's immortal martyr—and when besides all this we see the wicked, Ku-Klux, murderous spirit of those to whom we have already given pardon, who can say we have not already gone far enough? [Cries of "yes" "yes."] Those who laid down their lives are to be forgotten, while those whose hands are red with their blood are to be taken into special favor. No man has yet been tried for treason, when justice to our dead patriots required that swift and relentless punishment should have been visited on those whose hands were red with their blood. Forgiveness in the word—silence as to soldiers' wrongs. Why, sir, the policy of Mr. Greeley

WOULD MAKE TREASON POPULAR.

make us ashamed that we ever whipped Jeff Davis and the traitors.

Who, hereafter, will fight for the country and the Union, if treason is no crime, if, before the grass is green over the graves of our martyred heroes, we are to be told that instead of being punished, the doors of the Senate Chamber are to be thrown wide open to Jeff Davis, Jake Thompson and their perjured associates? Our brave boys in blue once went into battle under an inspiring tune and shouted, in swelling strains, "We'll hang Jeff Davis on a sour apple tree," and yet we find Horace Greeley, the Democratic candidate for the Presidency of the United States, rushing to Richmond, and in the very sight of Libby Prison and Belle Isle, where our soldiers who sung that song, were in cold blood

starved, and shot down, going on the bail bond of that wholesale murderer, Jeff. Davis.

The Republican party has been for amnesty; Grant, in all his messages, has declared for amnesty; and, I trust, with a few exceptions necessary to vindicate the law, the time will come when all resentments shall be buried, when all sectionalisms, such as North and South, East and West, shall cease, and when, by cheerful submission and loyalty on the one hand, and magnanimous forgiveness on the other, we shall become one people—one in love, in hope, in territory, in race, in ideas, in institutions and in nationality; and especially when it shall be the confessed doctrine of all parties that all the strife breeding questions of "State Rights" are to be merged in the idea of one great nationality, and that nation to be the undivided and indivisible United States of America. [Prolonged and tremendous cheering.]

GRANT.

Upon General Grant, the events of the times have imposed great and unexpected responsibilities. They have thrown him into the foreground of great political transactions. It has been a time when the muse of history opened a new volume, and the great bell of time rang out another hour. It has been a stormy period, and the difficulties greater and on a larger scale than those ever encountered by any other President of the United States. By the magnitude of his great responsibilities he is to be judged, and if he has risen to the height of the great occasion the more is he entitled to credit and to the gratitude of his countrymen.

I do not wish to draw any fine picture of Grant. I have never been at all intimate with him. I saw something of him at Springfield, before he went to the army; I saw him frequently in camp, on the march, in the battle and in the White House. I think the opinion of any good judge of character who saw or conversed with him would be that he was a man of good educa-

tion, truthful and candid, strong common sense, quick in thought, terse and vigorous in conversation—hitting the nail on the head every time—firm and decided in his opinions, and thoroughly posted in all the matters pertaining to the duties of his office.

Grant does not make speeches. Very well. The old adage is, "Speech is silver, but silence is gold." Grant's promises are few; his performance is good. The people are something like railroad or banking companies, who mean business—they do not spend much time looking after speech making Presidents. The whole country is checkered over with the wreck of men who were called great because they made great speeches. They made also great mistakes. What a mournful proof of this fact we have in the fatal mistakes and terrible blunders of those great men and great speakers. Sumner, Schurz, and Trumbull—upon whose words listening Senates hung enraptured.

Grant's messages compare favorably with those of his predecessors. They are clear and forcible in statement, and for wise, statesmanlike presentations have won for him encomiums from the first men of the nation. Though bred to arms, and though a war with England would have been popular and opened a field to him in which he, as an unmatched general, would have won new laurels, yet he has won greener laurels by elevating himself to the lofty plane of the Christian General and Statesman, in averting a war with England through impartial arbitration, and thereby has set an example to all coming time, for the peaceful adjustment of international differences, by which the sword may be turned into the pruning hook, and nations learn war no more. [Great applause.]

Perhaps he stands higher to-day, in the estimation of the wise and good, for the patience he had exhibited under innumerable difficulties in all our foreign relations; and yet all well know that should war be forced upon the nation, he would stand calm, self-possessed

and equal to the emergency. His record is a standing notice to all the nations of the world that he balances with a level hand the scales of international justice, and would defend and maintain to the last our national rights and honor.

I feel proud of General Grant. Some things a man has a right to feel proud of: he has a right to feel proud of success in business, of a well cultivated farm, of a good wife and a dozen children, of a good horse, an ugly dog, and it's nobody's business: but there is one thing a man has a moral and inalienable right to feel proud of—and fiends or devils can't deprive him of it, and God or angels won't, and that is of a good deed. Now, all of this mighty crowd of people, all of you put together, not even these fair ladies, nor the boys in blue, nor you Mr. President, nor the whole world, can deprive me of the pride I feel in being the forty millionth man who gave Grant his commission as colonel, and started him on the road to immortal fame.

I like Grant: first, while Greeley bailed Jeff Davis Grant whipped him. I like him because he would not be

RUN BY THE SORREHEADS.

I like him for his humane Christian policy toward the Indians, sending them the messengers of peace in place of heartless agents, who have so long defrauded them of their rights, and involved them in savage wars. I like him because he executes the laws, puts down the Ku-Klux, carries out the reconstruction measures, and protects the American citizen everywhere, at home and abroad: because he brought England to terms and brought about a new, just, and peaceful mode of adjusting international discords and differences: because he is honest and faithful: because he was magnanimous to Lee and his army, and because he never strikes a man when he is down. I like him because he is a friend of the Union, and of all sections of the Union, and has unbounded patriotism. I like him because he

punishes fraud—appoints faithful, honest and competent men to office—because he has given us a good currency and prosperity through all our borders. I like him because “he never was beat and never will be beat,” and because he will beat our old friend Greeley. [Cheers.] And I like him because he ain’t “skeered” to go to Long Branch. I am proud of Grant, the wood-chopper—Grant, the farmer—Grant, the colonel—Grant, the General—Grant, the statesman—proud of his lustrous deeds in peace and war, stamping his name on this mighty age. [Tremendous applause.]

I do not descend *way* down into the valley of low humility to beg you not to believe the charges brought against him, nor defend him against

SLANDER AND ABUSE.

The Republican party does not apologize or defend. If it stopped to say that it didn’t do this or that or the other thing, and to beg the people to believe it, it would deserve to be beat. Its acts are on its shirt sleeves, the people can see and judge for themselves. The Republican party simply refer to official investigations by committees in Congress to disprove charges of fraud. If it is charged that he received gifts before he was President, all right, and praise to the men who gave them. If he appointed a dozen of his relatives out of 70,000 to office, all right; why didn’t he appoint more? If they say he has a military ring, there is a military despotism, all right: Dent, Porter and Babcock, three army officers, are there without swords or epaulettes. Boys in blue, ain’t you “skeered?” I am prouder of Grant for what he has not done than for what he has done; for though the vilest charges have been made against him, he has not said a hard word against anybody; he kept on in the even tenor of his way, discharging his great duties, and made no answer to these charges; “he was reviled but not reviled again.” [Applause.]

My father once said to me, “Dick, character is worth

something." I have found out he was right. The sun never appears more beautiful than when he bursts from behind the blackening thunder-cloud; and human character never appears so God-like, beautiful and sublime as, when bursting through the shackles which bind it, it rises amid the fires of opposition and persecution to victory and to triumph.

This election will soon be over; the verdict of a great people will be pronounced; and when passion and prejudice shall have subsided, and our nation keeps on in her proud march down the centuries, and the names of these revilers of Grant shall have sunk into forgotten graves, history will take up her pen, and on her brightest page, in letters of living light, side by side with Washington and Lincoln, will shine the imperishable deeds and immortal name of the hero, patriot and statesman. [Prolonged applause.]

A word more and I close. If Greeley is elected then we shall be in the same strife for four years more. The laws for the suppression of violence will be left for State making and enforcement, Ku-Kluxdom will hold high revel, and the lost cause will swell the notes of triumph, and the nation stand on the verge of secession, with another Buchanan non-enforcement and disunion President.

If Grant is elected, further resistance in the South will cease, murder and violence cease. The sunshine of peace will illumine the sunny South; immigration and Northern capital, energy, industry, schools and churches will go there, and her hills will rejoice, and from her valleys shall go up to God the songs and praises of a happy and prosperous people. Grant's successor will be elected in November, 1876, the year of the one hundredth anniversary of the Declaration of American Independence, and then as we catch in our eyes the ascending light of the twentieth century, may we not feel that the union of the States is more strongly cemented, and the child now lives who will see this

magnificent city the center of two States and of between 1,000,000 of people. [Prolonging applause.]

And now, in the name of that Union, and the fathers who handed it down to us : by all the undying, majestic glories that surround the name of George Washington : by the unnumbered, lonely little hill-tops, where sleep the bones of our brave men upon so many battle-fields : by all the grand solemnities that cluster around the life and death of the immortal Lincoln, and by all of our hopes of liberty, and by all the master passions that sway the human soul, let me be true to the liberty and union of our native land. And now, "Ad hail, glorious sister Missouri—how beautiful is her name, Missouri!" come with swelling hope and disenthralled limbs : come with bright and beaming eyes and throbbing bosom into the family of free Republican Union States! Don't you hear borne upon the wings of the wind the pibroch of the Highlanders, the shout of universal victory? On the 5th day of November, when the starry roll of Republican States shall recount it, mean the very brightest may be the star which answers to the name of this great and proud commonwealth, the name of Missouri. [Prolonged cheers.]

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